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No. 135

## House of Representatives

The House met at 12:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 15, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 33 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God of land and seas, as well as the heavens and the earth, You sustain us in troublesome times. You guide the destiny of this Nation and companion each of us in the journey of life.

The Columbus holiday reminds us, Lord, of the determination and great courage You gave the great navigator and explorer, Christopher Columbus. His four voyages to the new world continue to inspire hope.

Ward off any hesitation and remove all obstacles, O Lord, that prevent us from realizing our dreams and making great discoveries in our times.

Enable the Members of Congress and all Americans whom they represent in government to look beyond the familiar and the comfortable so to move into the future unafraid.

Grant all the humility to place their trust in You, O God, and ready themselves to embrace the surprises You have prepared for our discovery today, tomorrow and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

### WHY NOT PEACE?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us had an opportunity to be in our districts over the last couple of days and to engage our constituents on what might have been the most momentous debate and decision that this Congress would make, at least in the early part of the 21st century, and that was debate we engaged in last week on the question of going to war with Iraq. All of us acknowledged that we came to this floor and expressed our viewpoints as we thought was best for the American people.

Over the weekend, of course, an enormous tragedy occurred in Indonesia. Americans are missing. Some lost their lives. But one of my constituents asked the question that I think is so very important that we raise again today: What about peace and the ability to be able to have that as a clarion call? Why is that so shameful that we as Americans, the most privileged and the most powerful, cannot raise the question of what about peace? What about discussions of peace and reconciliation?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Helen Thomas, one of the press persons at the White House, pressed that question to Ari Fleischer. Of course, there was not an answer. Yes, there is terrorism of which we have the world supporting our efforts against terrorism. But why can this Nation not, as it has done in the past, in the tradition of Jimmy Carter who won the Nobel Peace Prize, likewise begin a discussion of world peace, speaking to our allies and enemies as well, as my constituent asked the question, why not peace? Why is there shame in bringing that to the forefront of the American public so that even as we fight the issue of terrorism, we can stand aside from this question of war, allowing the U.N. inspectors to go in?

Why not peace? Why not a discussion?

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 11, 2002.

Hon. J. DENNIS HASTERT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 11, 2002 at 10:42 a.m.

That the Senate agreed to conference report H.R. 5011;

That the Senate passed without amendment H.J. Res. 113;

That the Senate passed without amendment H.J. Res. 114;

That the Senate passed without amendment H.J. Res. 122;

That the Senate passed without amendment H. Con. Res. 411.

With best wishes, I am

Sincerely,

JEFF TRANDAH, L,  
Clerk of the House.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, October 11, 2002:

House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

#### PER-PUPIL EXPENDITURE REQUIREMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES

Mr. CULBERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes.

The Clerk read as follows:

H.R. 5599

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PER-PUPIL EXPENDITURE REQUIREMENT FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(c)(i)(II)(bb)) is amended to read as follows:

“(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of generally comparable local educational agencies (determined according to the procedures described in section 222.74(b) of title 34, Code of Federal Regulations, as such section was in effect on January 1, 2000) in the State in which the local educational agency is located; and”.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2002, and all subsequent fiscal years.

#### SEC. 2. ELIGIBILITY OF BONESTEEL-FAIRFAX SCHOOL DISTRICT IN BONESTEEL, SOUTH DAKOTA.

The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, to be eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

#### SEC. 3. APPLICATION OF CENTRAL SCHOOL DISTRICT, SEQUOYAH COUNTY, OKLAHOMA.

Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CULBERSON) and the gentleman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CULBERSON).

#### GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5599.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CULBERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege today to rise in support of H.R. 5599, which is a noncontroversial and very straightforward piece of legislation to make technical amendments to the Impact Aid program. I want to thank the gentleman from South Dakota (Mr. THUNE) for sponsoring this legislation and for his diligence in bringing this bill before the House today.

This legislation makes three technical and, as I say, very noncontroversial corrections to the Education Code. First, the bill will correct a drafting error that occurred during the reauthorization of the Impact Aid program. This technical correction will allow the Department of Education to continue to use their current methodology in interpreting regulations, the process by which they determine which small school districts qualify for heavily impacted status.

Secondly, the bill will allow the Bonesteel-Fairfax School District in South Dakota to continue to remain eligible to receive Impact Aid funding for 1 year, to allow them to resolve a financing issue at the local level that would otherwise have a significant impact on their budget. Districts such as this one have a great deal of federally or nonprivately owned property. Therefore, this Impact Aid funding is essential for them to continue to operate at funding levels that they have already budgeted for. So this is a very, very important correction that is vitally necessary.

Finally, Mr. Speaker, this legislation requires the Department of Education to accept as timely filed a late application from a school district in Oklahoma that will allow them to continue to receive their Impact Aid funding on time.

This legislation is very simple and straightforward, Mr. Speaker. It is a technical bill that contains technical corrections to the Education Code. We on the Committee on Education and the Workforce wanted to be certain that any errors that occurred during the drafting process were corrected and any school district that might suffer as a result of changes or potential misinterpretation of the Impact Aid formulas would be corrected by this legislation.

I again want to thank the gentleman from South Dakota for offering this legislation, and I want to urge my colleagues in the House to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5599. This legislation makes several technical fixes to the Impact Aid program.

First, the bill clarifies Department of Education policy that small school districts can use other local school districts to determine their eligibility for

heavily impacted payments. This corrects a technical error in the 2000 reauthorization of Impact Aid.

Second, the bill maintains the eligibility of a school district in South Dakota for heavily impacted status for 1 year.

Third, H.R. 5599 permits Central School District in Oklahoma to file their fiscal year 2002 Impact Aid application despite having not filed this application before the deadline.

This legislation is similar to other bills this House has passed when technical fixes to the Impact Aid statute were needed in the past. I urge all Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CULBERSON. Mr. Speaker, I yield myself such time as I may consume.

I urge support for this important legislation by the Members of the House. It is noncontroversial and simply technical corrections.

Mr. THUNE. Mr. Speaker, as a member of the Impact Aid Coalition Steering Committee, I want to thank Chairman BOEHNER for supporting this bill to make technical corrections to Impact Aid as it applies to two small local education agencies in South Dakota.

My state places a high emphasis on quality public schools, and South Dakotans know the value of a quality education. The federal Impact Aid Program plays a big role in improving schools on or near Federal lands in my state.

South Dakota is proud to be home of the Mt. Rushmore National Memorial, Black Hills National Forest, Buffalo Gap and Fort Pierre National Grasslands, Badlands National Park, and nine Sioux Indian reservations. In fact, nearly 17 percent of South Dakota is Federal land—we rank 13th in the nation.

Thirty-four school districts throughout South Dakota rely heavily on Impact Aid funding to provide education to children on or near the Federal lands in my state. In all, this program in South Dakota impacts over 32,000 students.

While H.R. 5599 makes only small technical corrections, the impact of this bill on the Isabel and Bonesteel-Fairfax School Districts in South Dakota will be significant.

The Isabel School District is located in the Cheyenne River Sioux Reservation in north-central South Dakota. H.R. 5599 will ensure that the Impact Aid Program Office correctly follows the methodology for determining comparable per pupil expenditure levels for heavily impacted school districts as provided in current regulations. This will guarantee placement in the correct "heavily impacted" category where they belong.

The Bonesteel-Fairfax School District in south-central South Dakota will lose one-third of their total budget unless H.R. 5599 provides a waiver that allows them to correct a mistake made when calculating their local funding request.

These provisions within H.R. 5599 will have a real impact on hundreds of students in some of the poorest, most heavily impacted school districts in America.

Mr. Speaker, I want to again thank Chairman BOEHNER and his staff for their help to ensure that these students will receive adequate Impact Aid funding.

Mr. CULBERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CULBERSON) that the House suspend the rules and pass the bill, H.R. 5599.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1415

#### PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1339) to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

The Clerk read as follows:

S. 1339

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War POW/MIA Accountability Act of 2002".

#### SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bring Them Home Alive Act of 2000 (Public Law 106-484; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

#### "SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

"(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

"(A) any alien who—

"(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

"(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

"(B) any parent, spouse, or child of an alien described in subparagraph (A).

"(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

"(c) DEFINITIONS.—In this section:

"(1) AMERICAN PERSIAN GULF WAR POW/MIA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Persian Gulf War POW/MIA' means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Per-

sian Gulf War, or any successor conflict, operation, or action; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

"(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

"(2) MISSING STATUS.—The term 'missing status', with respect to the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

"(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

"(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

"(3) PERSIAN GULF WAR.—The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

(b) BROADCASTING INFORMATION.—Section 4(a)(2) of that Act is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State)."

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1339, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 106th Congress, the Bring Them Home Alive Act was enacted as Public Law 106-484. This law, sponsored by Senator BEN NIGHTHORSE CAMPBELL and the gentleman from Colorado (Mr. HEFLEY), offers refugee status to any national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, who personally delivers into the custody of the United States Government a living American prisoner of war from the Vietnam War. It grants similar status to any national

of North Korea, China, or states of the former Soviet Union who differs delivers a living American prisoner of war from the Korean War. Information regarding the act is broadcast by the International Broadcasting Bureau over the Voice of America and other broadcast services.

The Bring Them Home Alive Act signals our continuing dedication to all the Americans who served in the Vietnam and Korean wars. It shall be needed until all of our soldiers are accounted for. This bill amends the Bring Them Home Alive Act to broaden its coverage for the Persian Gulf War and any future hostilities in Iraq. There have been recent reports that Michael Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands. We owe it to him and to all those who may be called to serve in the coming months to pass this bill.

The bill provides refugee status to a national of Iraq or a nation in the greater Middle East who personally delivers into the custody of the United States Government a living American prisoner of war from the Persian Gulf War or any successor conflict. To receive refugee status, the alien cannot be eligible for asylum on account of being a criminal, a terrorist, or a danger to the security of the United States. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, in light of the climate that we now face, calling upon our men and women in the United States military once again to defend our freedom and in the backdrop of the motion to instruct last week that recognized the importance of allowing our veterans to receive both their retirement benefits and other benefits simultaneously, there is no doubt that this Congress believes strongly in the fighting men and women of this Nation, and so I rise with enthusiastic support for this bill which will encourage the safe return of Navy pilot Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War of the early 1990's.

His status was changed from dead to MIA, and as well it was based upon last year's intelligence information that he survived his plane crash and is in prison in Baghdad, Iraq. Recently, he was reclassified as missing and captured. The amendment could also be used to encourage a return of POWs and MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

A few years ago as a member of the Houston City Council, I was very proud to raise the first flag above Houston City Hall to recognize POWs and MIAs. This is an important component to recognizing but also dealing specifically with an individual now still lost. This bill will provide refugee status to the United States to any national of Iraq

or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provides the same benefits to citizens of Asian and former Soviet countries who safely return POW/MIAs from the Vietnam and Korean wars. The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious offense and people who present a danger to the security of the United States from these benefits.

I know many Korean War veterans, including the gentleman from Michigan (Mr. CONYERS), the ranking member of this particular committee; and I want to commend Senator CAMPBELL, a fellow veteran of the Korean War, the gentleman from Michigan (Mr. CONYERS), fellow veteran and ranking member, for his initiative to ensure that our POW/MIAs come home.

Let me conclude by saying that we enthusiastically offer our support for this legislation initiative, and I ask my colleagues to support this legislation.

Mr. Speaker, I support this bill which will encourage the safe return of Navy pilot, Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War in the early 1990s. His status was changed from dead to MIA last year based on intelligence information that he survived his plane crash and is imprisoned in Baghdad, Iraq. Recently, he was reclassified as Missing/ Captured. The amendment could also be used to encourage the return of future POW/MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. government. The bill amends the "Bring Them Home Alive Act of 2000" which provided this same benefits to citizens of Asian and former Soviet countries who safely returned American POW/MIAs from the Vietnam and Korean wars.

The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, people who have been convicted of a serious criminal offense, and people who present a danger to the security of the United States from these benefits.

As a Korean War veteran, I commend my fellow veteran Senator CAMPBELL for this initiative to ensure that our POW/MIAs come home.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1339.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2155

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2155.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### SOBER BORDERS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2155) to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port entry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2155

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MAKING IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH A DRUG OR ALCOHOL IN THE BODY OF THE DRIVER AT LAND BORDER PORTS OF ENTRY.

*Section 13(a) of title 18, United States Code, is amended—*

*(1) by inserting "(1)" after "(a)"; and*

*(2) by adding at the end the following:*

*"(2) Whoever with a drug or alcohol in his or her body operates a motor vehicle at a land border port of entry in a manner that is punishable, because of the presence of the drug or alcohol, if committed within the jurisdiction of the State in which that land border port of entry is located (under the laws of that State in force at the time of the act) shall be guilty of a like offense and subject to a like punishment.*

*"(3) Any individual who operates a motor vehicle at a land border port of entry is deemed to have given consent to submit to a chemical or other test of the blood, breath, or urine of the driver by an officer or employee of the Immigration and Naturalization Service authorized under section 287(h) of the Immigration and Nationality Act (8 U.S.C. 1357(h)) for the purpose of determining the presence or concentration of a drug or alcohol in such blood, breath, or urine.*

*"(4) If an individual refuses to submit to such a test after being advised by the officer or employee that the refusal will result in notification under this paragraph, the Attorney General shall give notice of the refusal to—*

*"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or*

*"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.*

*"(5) The Attorney General shall give notice of a conviction of an individual under this section for operation of a motor vehicle at a land border port of entry with a drug or alcohol in the body of the individual, to—*

*"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or*

*"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.*

"(6) For purposes of this subsection, the term 'land border port of entry' means any land border port of entry (as defined in section 287(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(h)(3))) that was not reserved or acquired as provided in section 7 of this title."

**SEC. 2. AUTHORIZING OFFICERS AND EMPLOYEES OF THE IMMIGRATION AND NATURALIZATION SERVICE TO CONDUCT TESTS FOR A DRUG OR ALCOHOL.**

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

"(h)(1) If an officer or employee of the Service authorized under regulations prescribed by the Attorney General is inspecting a driver at a land border port of entry and has reasonable grounds to believe that, because of alcohol in the body of the driver, operation of a motor vehicle by the driver is an offense under section 13 of title 18, United States Code, the officer or employee may require the driver to submit to a test of the breath of the driver to determine the presence or concentration of the alcohol.

"(2) If an officer or employee of the Service authorized under regulations prescribed by the Attorney General arrests a driver under this section for operation of a motor vehicle in violation of section 13 of title 18, United States Code, because of a drug or alcohol in the body of the driver, the officer or employee may require the driver to submit to a chemical or other test to determine the presence or concentration of the drug or alcohol in the blood, breath, or urine of the driver.

"(3) For purposes of this subsection:

"(A) The term 'driver' means an individual who is operating a motor vehicle at a land border port of entry.

"(B) The term 'land border port of entry' means any immigration checkpoint operated by the Immigration and Naturalization Service at a land border between a State (as that term is used in section 13 of title 18, United States Code) and a foreign state."

**SEC. 3. REQUIRING NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 294 (8 U.S.C. 1363a) the following:

"NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL

"SEC. 295. At each point where motor vehicles regularly enter a land border port of entry (as defined in section 287(h)(3)), the Attorney General shall post a notice that operation of a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry is an offense under Federal law."

(b) CLERICAL AMENDMENT.—The first section of the Immigration and Nationality Act is amended in the table of contents by inserting after the item relating to section 294 the following:

"Sec. 295. Notice at land border ports of entry regarding operation of a motor vehicle and drugs and alcohol."

**SEC. 4. IMPOUNDMENT OF VEHICLE FOR REFUSAL TO SUBMIT TO TEST FOR DRUG OR ALCOHOL.**

Not more than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations authorizing an officer or employee of the Immigration and Naturalization Service to impound a vehicle operated at a land border port of entry, if—

(1) the individual who operates the vehicle refuses to submit to a chemical or other test under section 13(a)(3) of title 18, United States Code; and

(2) the impoundment is not inconsistent with the laws of the State in which the port of entry is located.

**SEC. 5. EFFECTIVE DATE.**

This Act shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

**GENERAL LEAVE**

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2155, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2155 helps prevent drunk driving at and around our borders. The bill authorizes INS inspectors at the border to take drunk or drugged drivers into custody based on their impaired state. Currently, border inspectors do not have the authority to do so other than as private citizens making arrests. Typically, inspectors now have to alert State or local law enforcement that an impaired driver is headed their way, wave impaired drivers through the port of entry, and hope that State or local law enforcement will pick them up before the driver does any harm.

This bill makes it a Federal crime for a person to operate a motor vehicle at a land border patrol entry in an impaired manner because of the presence of drugs or alcohol. The bill deems any such driver to have given consent to submit to a chemical test by the INS to determine the presence or concentration of alcohol or drug in the driver's body. The bill authorizes INS inspectors at land border ports of entry to perform chemical tests upon drivers if the INS has reasonable grounds to believe that a driver is dangerous because of a drug or alcohol in the driver's body.

If the individual refuses to submit to such a test, the bill requires the Attorney General to notify the driver's State or foreign state of the driver's refusal to submit to the test. The Attorney General is also required to notify the driver's government of a conviction of the driver for impaired driving. The bill requires the Attorney General to issue regulations authorizing INS officers and employees to impound a vehicle if the driver refuses to submit to a chemical or other test.

Finally, the Attorney General is required to post a notice that operation of a motor vehicle with drugs or alcohol in the driver's body at a land border port of entry is a Federal offense. This bill will help prevent drunk driving and impaired driving tragedies in border areas, and I urge a "yes" vote on it.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I might consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe the intentions of this legislation certainly have merit, but I rise in opposition to the measure on the floor today, H.R. 2155, the Sober Borders Act.

This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption when they have reasonable grounds to believe that a driver is operating a motor vehicle while under the influence. Second, to ensure travelers are fully aware of this policy, the bill further requires the INS to post notices at each land border port of entry, informing motorists that operating a vehicle while under the influence is an offense under Federal law.

The major problem with this proposal is a matter of policy and procedure. At the time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties unrelated to terrorism on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce State law. Furthermore, 18 U.S.C. section 13, the Assimilative Crimes Act, currently incorporates State criminal law into Federal law for issues for which there is no applicable Federal criminal law in places in Federal jurisdiction such as military bases and, no doubt, ports of entry. So a criminal offense such as a DUI under State law is already also a Federal criminal offense in a Federal area, areas not in State jurisdiction. This law would extend that by incorporating noncriminal sanctions, examples, suspension of license or failure to agree to a drug test, into Federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches to expand this to blood, breath, or urine testing.

Finally, during the subcommittee markup and the full committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. It is well taken by this Congress, Mr. Speaker, that the GAO is an independent body. Republicans and Democrats alike have been known to ask and use the GAO for studies and to include such studies as language in legislation. This is not, if the Members will, a killer of the bill. The study would assemble and analyze the numbers of times the officers exercise this authority; the race, gender, and national origin of the driver involved; and the results of the exercise of this new authority.

Mr. Speaker, the border is used not only by noncitizens, but it is used by American citizens and we have stood on this floor of the House just last week to talk but our freedoms and our values and the justice and equality that we render. Then why not, why not, make sure that any legislative initiative that we pass has the ability to serve all Americans fairly, and those who may be unfairly stopped should be addressed as well while we also are committed to protecting the lives of our frontline officers at the border. A GAO study, simple, precise, and efficient, could have made this amendment of this legislation more effective.

The amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year. It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in an efficient, fair, and equitable manner without targeting any group of people specifically pertaining to prevent racial profiling. It could have been an instructive tool.

Mr. Speaker, I have been to the borders of our country; and I have seen the very fine workers who are there. They want to do the right thing, and they want to do it well and efficiently. This information could have given them guidance on how to be effective and, of course, successful in doing the job.

□ 1430

Racial profiling occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers are stopped for minor traffic violations, often referred to "driving while black and brown," and the use of race to determine which motorists or pedestrians are searched for contraband.

Racial profiling is still prevalent in America; and as I indicated, the borders are used by immigrants and citizens alike. Why could we not consider this as reasonable on behalf of the citizens of this country? In large cities across the country, African Americans and Hispanics and other people of color still move about with the fear that at any time they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today, skin color makes one a suspect in America. It makes one more likely to be stopped, more likely to be searched, more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March 2000, it found that persons of particular races and genders were generally more likely than others to be subjected to more intrusive

searches. For example, black women were nine times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the debate on H.R. 3129, the Customs Border Security Act, authorizing appropriations for fiscal year 2002, detailed the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and she is an African American woman, and a United States citizen to my knowledge. Upon encountering Customs agent, Ms. Bradley recalled that she, along with most of the other women on the flight, were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body, including her private parts. Mr. Speaker, no drugs or contraband were found.

I happen to be a strong supporter of our INS, Customs, and other border security agents and the responsibilities that they have. I happen to be a strong supporter of adhering to the laws of this Nation. But I also believe that civil justice and civil liberties are important for those noncitizens and citizens alike. We have the responsibility of adhering to the values and the laws of this land.

This bill, however, adds substantial provisions so that they already have all they need to ensure the safety of this Nation. To take away, to give a pass or a bye on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures is unfair.

This bill, without protection against racial profiling, at least a study, is unfair and is not a solution.

Organizations like the ACLU have conducted reports that one of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report "Driving While Black, Racial Profiling on Our Nation's Highways," the ACLU documents the practice of substituting skin color for evidence as grounds for suspicion by law enforcement officials. Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. It could be happening at our borders as well.

These discriminatory stops have reached epidemic proportions in some recent years, fueled by the war on drugs and potentially fueled by bills like this.

We want to make sure that our good police officers have the skills and tools to do the job. A study would provide them that instruction.

We put an end to the practice of racial profiling with my amendment. My amendment, most importantly, through the collection of data, would, in fact, assist the agency in being instructive and constructive. Is that not

why we are here, Mr. Speaker, to be constructive and instructive? Unfortunately, after vigorous debate, we were not able to include such an amendment. I am disappointed, Mr. Speaker; and for these reasons, among many others, I rise to oppose this legislation.

I rise in opposition to the measure on the floor today H.R. 2155, the Sober Borders Act. This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption when they have reasonable grounds to believe that a driver is operating a motor vehicle while under the influence.

Second, to ensure travelers are fully aware of this new policy, the bill further requires the INS to post notices at each land border port of entry informing motorists that operating a vehicle while under the influence is an offense under federal law.

The major problem with this proposal is a matter of policy. At a time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties, unrelated to terrorism, on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce state law.

Furthermore, 18 U.S.C. section 13 (the Assimilative Crimes Act) currently incorporates state criminal law into federal law, for issues for which there is no applicable federal criminal law, in places in federal jurisdiction such as military bases and, no doubt, ports of entry. So, a criminal offense such as DUI under state law is already also a federal criminal offense in a federal area (ares not in state jurisdictions). This law would extend that by incorporating non-criminal sanctions (e.g., suspension of licenses for failure to agree to a drug test) into federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches, to expand this to blood, breath or urine testing.

Finally, during both the Subcommittee markup and the Full Committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. The study would assemble and analyze the number of times the officers exercised this authority, the race, gender, and national origin of the driver involved, and the results of the exercise of this new authority. The Amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year.

It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in an efficient, fair, and equitable manner without targeting any group of people—specifically to prevent racial profiling.

"Racial profiling" occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to



determine which drivers to stop for minor traffic violations ("often referred to driving while black") and the use of race to determine which motorists or pedestrians to search for contraband.

Racial profiling is still prevalent in America. In large cities across the country, African Americans and other people of color still move about with the fear that at any time, they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today skin color makes you a suspect in America. It makes you more likely to be stopped, more likely to be searched, and more likely to be searched, and more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March, 2000 "found that persons of a particular races and genders were generally more likely than others to be subjected to more intrusive searches. For example, black women were 9 times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the Debate on H.R. 3129, the Customs Border Security Act authorizing appropriations for fiscal year 2002, I detailed the story of Yvette Bradley a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and African American woman. Upon encountering Customs agents, Ms. Bradley recalled that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Speaker no drugs or contraband was found.

I happen to be a strong supporter of our INS, Customs and other border security agents and the responsibilities that they have. This bill, however, adds to substantial provisions they already have all that they need to ensure the safety of this Nation. To take away—to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. This bill without protection against racial profiling is unfair and it is not a solution.

Organizations like the ACLU have conducted reports that one of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report *Driving While Black: Racial Profiling On Our Nation's Highways*, the ACLU documents the practice of substituting skin color for evidence as a grounds for suspicion by law enforcement officials.

Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. And these discriminatory police stops have reached epidemic proportions in recent years—fueled by the "Wars on Drugs" and potentially fueled by bills like this bad police officers have been given a pretext to target people who they think fit a profile. We must put an end to the practice of racial profiling. My Amendment, most importantly, through the collection of data, the amendment by its very nature would curb any tendency toward this abuse and help prevent this legislation from being used as a tool for racial profiling.

Unfortunately, after a vigorous debate during the markup, however, the majority refused

to accept the amendment arguing that the measure would place an extreme burden on the officers carrying out the provisions of the amendment. My attempts to have something in the bill to address this problem have been ignored.

While I firmly believe something must be done to lower the rate of alcohol-related car accidents that take place on our nation's highways and in close proximity to our nation's borders there are concerns raised by the bill. It is unfortunate because it had minimal efforts to make the bill acceptable to the Democrats as the majority had committed to doing during the Committee process this bill could have passed without opposition.

Mr. Speaker, in its current form, I must urge my colleagues to oppose H.R. 2155.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately, the Bradley case that the gentlewoman from Texas (Ms. JACKSON-LEE) cited is not relevant to this bill. She talked about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. So the argument that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

The gentlewoman from Texas complains about the fact that people might be unduly targeted for stops. Everybody who crosses the border between the United States and Mexico and Canada has to be stopped. Mr. Speaker, 100 percent of the people do, regardless of what their race is or their national origin. I do not understand what the gentlewoman's complaints are because she should know that one must stop for inspection and the law requires it.

Now, finally, during the markup of the Committee on the Judiciary, as chairman, I gave the gentlewoman from Texas my commitment to ask for a GAO study once this bill is signed into law. The gentlewoman from Texas should know that any Member of the House can ask for a GAO study. It does not have to be an amendment adopted by the committee; it does not have to be legislation on the floor of the House. She can ask for one, I can ask for one, and anyone of the other 433 Members of the House of Representatives can ask for one. So nobody is preventing a GAO study from being done should this bill be passed by both Houses and signed into law by the President.

The issue is very simple, and that is that if somebody comes to a land border crossing at the United States who is drunk or who is under the influence of drugs and is not capable of safely operating a motor vehicle, should the immigration inspector who stops that individual be allowed to detain them and to administer a chemical test. We cannot do that now, but this bill does give the immigration inspectors the authority to do that. And if this bill fails and this hole in the law is not plugged,

then the drunk driver or the impaired driver will go on his or her merry way at a border crossing which is, of necessity, crowded by people who are stopping and submitting to inspection as required by Federal law and vulnerable to injury or death simply because the INS inspector had to call up the local police and it is only when the local police arrive on the scene can there be a stop.

This is a good bill. The arguments of the gentlewoman from Texas are complete red herrings. It should be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank and pay tribute to the chairman for bringing this bill to the floor and for working it through the committee in such a deliberative fashion. We debated this at the subcommittee level, at the committee level; and we had a great debate on it. Many Members shared their support for the bill.

As mentioned, this is simply closing a glaring loophole in the law that allows someone in a border port of entry, at a land port of entry to drive totally intoxicated, and INS officers are powerless to stop them, unless they want to do it as a citizen for which they risk liability that they are unwilling to assume. We asked INS officers what happens when someone who is visibly drunk crosses a border. They said, we let them go on a wing and a prayer and just hope that somebody, hope that a law enforcement officer at the municipal or State level is able to stop them.

Well, that has not been good enough. In California, in the past 2 years, we have had two law enforcement officers killed, killed when drunk drivers drove up, under-age drivers who drove to Mexico with the express purpose of drinking because they can, because of lax enforcement, drink underage, drive across the border knowing full well that they will not be stopped by the person who sees them right inside the window, who stops them, who cannot stop them when they are drunk, who will just let them go on through. They killed two California highway patrol officers. Several fatal car crashes in my home State of Arizona are blamed on drunk drivers going to Mexico to drink, coming back across the border, knowing that they cannot be stopped. This is wrong.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to stand and tell the widow or the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

As the chairman mentioned, we have offered and are more than willing to have a letter to the GAO. This need not be in statute as they are asking. We

can do the same by a letter to the GAO. But let us get this bill passed. We need it. There is a glaring loophole now. Lives are being lost on the border in my State and others. I would ask for support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I give me great pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, who knows a lot about racial profiling inasmuch as he has authored legislation on that issue.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas for her leadership as ranking member of the subcommittee, and I want to thank the gentleman from Arizona (Mr. FLAKE) for his leadership as chairman of the subcommittee.

The question that the gentleman from Arizona has raised is a very disturbing one: two police officers from his State killed in connection with activity involving people driving under the influence. And that should be disturbing to everybody in Arizona as well as everybody in this Congress. Then why, I say to the gentleman from Arizona, would he jeopardize the passage of this bill over, and I will accept his description of it as an irrelevant addition to it, when the gentleman knows full well that one-third of the Members of the Congress can turn back a bill that is on suspension? This means that the gentleman is rolling the dice big time, I say to my friend. I do not want to take that chance. If the gentleman does, then we will have a vote shortly that will determine which one of us was more correct.

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I too fear that this bill will be imperiled, but I fear it if we attach such language. That is why we had a debate in the committee. The chairman is correct. That is where we debate bills like this. We had the debate in committee, we put that amendment up to a vote and it failed. Were we to accept the unanimous consent request or to amend this on the floor, we would be going and stepping over the committee. That is not the process. That is the relevant process we have to follow.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman. I appreciate that procedural explanation. If the gentleman is going to risk police officers' lives in the gentleman's State based on a vote in the committee, then that, my friend, is a choice that the gentleman has who, as a Member, has as much right to cast that opinion as anybody else. I wish the gentleman good luck, frankly, because police officers' lives are at stake.

Mr. Speaker, I have just approached the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER),

my good friend, who has informed me that unfortunately we are not able to remove this bill from the suspension calendar to have this amendment repaired because this is the last suspension day for bills under suspension that we will have in this Congress. And if he is right, that puts us in a more difficult situation.

Mr. Speaker, the reason that we are in this position is that the subcommittee ranking chairperson had assumed that there had been an agreement worked out on this amendment, and it was not until we came to the full committee markup that we found that there was a serious difference still outstanding.

All I stand here in the well of the House today to do is to work in every way that I can with the chairman of my committee and the chairman of the subcommittee to see that we can repair this so that we can get a bill out to protect the lives of all of our law enforcement people at the border. This is a bill that we support, a bill we support, a bill that we want to get to the Senate and enacted into law as quickly as possible.

□ 1445

We think that it is a lifesaving measure. But because of this disagreement over the importance of a study on racial profiling, we are not able to do that.

The Members of this House, before they vote on this measure tomorrow, should be fully aware of the fact that the reason we put the GAO in the amendment was that the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE), is the one that asked that it be included. The original provision of the gentlewoman from Texas (Ms. JACKSON-LEE) referred this to the Attorney General's office, and they objected.

Mr. Speaker, I would ask the Members, what are we doing here? Where we are now, I say to the gentleman from Arizona (Mr. FLAKE), is that the American Civil Liberties Union, and this is not a funny matter, I say to the gentleman from Arizona. Please listen to me.

The American Civil Liberties Union announced this morning that they are in opposition to the bill in its present form. That is not a laughing matter. The Leadership Council on Civil Rights has announced their opposition to the bill. This is not a laughing matter. The National Association for the Advancement of Colored People, with a half a million members, has announced that until this bill is repaired they are against the bill. It is not a laughing matter.

So if it does not matter to the Members, okay. If it is funny, okay. If they have the votes, okay. But I think they are doing a grave disservice to an excellent piece of legislation that they and the gentlewoman from Texas (Ms. JACKSON-LEE) have crafted.

If they choose to roll the dice on it in the way they apparently have, then I

will have to live by that decision, because I am not in the House leadership, and I cannot assure the Members that if the bill is pulled off the floor, there will be another Suspension Calendar.

The reason I will not yield is because the chairman controls all the time on the gentleman's side.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is not a chairman.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, regarding the gentleman from Michigan's point about this not being a laughing matter, certainly I do not make a laughing matter out of it. The only humor I found is in being elevated to the status of chairman of the subcommittee, which I am not. The chairman just informed me if I am, it has been revoked. That is the only part that I find humorous. This is not a laughing matter at all.

When the ranking minority member mentions that in the subcommittee we had discussions about where the authority ought to rest for a study, we simply pointed out that the amendment, as drafted, mentioned the INS Commissioner when, under our own language out of the committee, that position will no longer exist. So that would not be the proper place for the study.

What we suggested was that that responsibility would lie with the GAO.

As the chairman mentioned, we have offered again and again and again, at the gentleman's suggestion, I say to the ranking minority member, that we draft a letter to the GAO and to ask them to conduct such a study, to do that. I stand ready to do that, and I hope that we can.

This is an important issue. We simply need not have it in statute because that would imperil the bill. We cannot, for every law enforcement action taken in this House or in this body, attach racial profiling language. We simply cannot. That would imperil too much good legislation going forward.

It is not a laughing matter at all; this is serious. People are dying in the border towns every day, and a lot of it is linked to drunken drivers coming across the borders. This is a serious matter, we ought to take it that way, and move this bill forward without secondary amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Members are reminded that they should direct their comments to the Chair, and avoid dialogue in the second person.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a very serious matter. It really saddens me that we have come to this.

I notice that there was some discussion that no one seems to understand racial profiling. There is a bill that we wish had moved through this House with some 95 or more cosponsors that if



we could have gotten a hearing on it in the Committee on the Judiciary, maybe we could have educated our colleagues about this issue.

The fact is that we have to live the way we live, many of us who come from different walks of life, to understand racial profiling. One has to live in our skin as an American and be able to acknowledge this is the best country we could ever live in, but every day we work to improve that country. So I think it is important for those who do not live as many of us do to recognize that, as legislators, we try to work together.

In this instance, I think it is important to note that the INS border inspectors, by State law that is already codified, in complete disagreement with my colleagues, have the authority to stop those whom they might feel are impaired. This study only allows instruction, giving them the ability to do their job better, and to be able to recognize that all of us have the right to be treated fairly, no matter who we are, and that this Nation is founded on those who escaped persecution so they could be treated fairly.

I am sorry that my colleagues believe this to be frivolous and a laughing matter, and refuse to exercise the comity of this House and work with those of us who are sincere in promoting legislation that works for everyone. It is a great disappointment to me. In fact, Mr. Speaker, it is hurting, because I have constituents who have felt the abuse of this process.

So I would offer to say that a letter does not equate to legislation. Mr. Speaker, I would simply say, we have been fighting to pass racial profiling legislation in this House. Of course, as a minority, we have not been successful.

Mr. Speaker, I would like to pose a question to the ranking member, the gentleman from Michigan (Mr. CONYERS). It really goes to the legislation that he has had filed in this House for a period of time.

I recall traveling with the gentleman throughout the Nation on a series of racial profiling hearings. I think the persons appearing came from all walks of life, if I am correct; and I know that it was a searing issue to the extent that we had sponsors and supporters of legislation in the Senate, the other body, because it was so clear that this Nation needed to address this question.

I would ask the gentleman simply to expand on that point. There seems to be some question of the seriousness and the need for having at least an instructive amendment that allows us to be instructed by a study that will give guidance to having us do our jobs better.

I know the gentleman has spent a lot of time on this issue, so I would ask him to speak on this point, on this legislation that he filed and the need for its hearing; but more importantly, the work that he did in coming to the point of drafting this legislation.

Mr. CONYERS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE), of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, for yielding to me.

Mr. Speaker, racial profiling cannot be considered irrelevant anywhere in the country, but particularly in a circumstance where we are giving additional powers to law enforcement agents on the border. For us not to include a study is sending a very dangerous signal to them, especially after this debate.

I frankly do not see how a measure like this, after this kind of discussion, could possibly clear the House of Representatives in consideration of the times and the problems with law enforcement and the minority community that plague the criminal justice system and law enforcement all over the country. I plead with my colleagues to please withdraw this measure until we can work out some rapprochement.

I can say that the gentlewoman from Texas (Ms. JACKSON-LEE) has been totally willing to cooperate, and I think, up until the day of the hearing, I would have said the same thing about the subcommittee chairman; or if he is not the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE). He has been totally cooperative, as well.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) and I have been working together in a very fine spirit to try to resolve this, and maybe the leadership of the House would schedule another session for suspensions, which would give us the time to at least bring this one back to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for his comments.

I would just simply close by saying that there is a throng of legislation passed on racial profiling. What we tried to do here is work in a bipartisan manner to enhance our Border Patrol agents, and, as well, protect the liberties of all of our people.

I would simply ask that my colleagues vote against this legislation, for it stands for nothing as it relates to being able to protect our Border Patrol agents and enhance their lives in contrast to diminishing the lives of others. I ask for a no vote on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is regrettable that my two colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE) have decided to make this very meritorious bill into a debate on racial profiling.

I have offered, as has the gentleman from Arizona (Mr. FLAKE), to send a

letter to the Comptroller General asking for the precise study that the gentleman from Michigan and the gentlewoman from Texas have asked for.

As I said previously, every Member of Congress can get GAO studies on any relevant issue that they desire. We do not need to clutter up the statute books by requiring the Comptroller General to do a study on this subject or on any other subject. It merely requires sending a letter signed by a Member of Congress.

Now, if the gentleman from Michigan (Mr. CONYERS), who represents a border community, and the gentlewoman from Texas (Ms. JACKSON-LEE), who represents a district which is pretty close to the other border, if their idea becomes law, I am afraid that every immigration inspector who has to stop everybody who is legally crossing the border and ask them questions, they are going to have to compile this data for the GAO study, and the lines behind the border are going to get longer and longer, and people are going to be more frustrated, whether they are coming across the border to go to school, which we are going to talk about in a few minutes, or to further commerce, or just to visit the United States of America as a tourist, which is something that I think we encourage, as well, because we like foreigners spending their money here.

I am going to work with the gentleman from Michigan and the gentlewoman from Texas. But that is no reason, just because the issue of racial profiling is brought up, and a process where everybody has to be stopped and detained and questioned as they cross the border, that this very meritorious bill should be voted down.

Anybody in law enforcement will tell us that the quicker a drunk driver or a driver whose ability is impaired by drugs is stopped, the fewer people are placed at risk; so why not stop them on the border, and if they are drunk or impaired, do the appropriate chemical tests?

Mr. Speaker, I think this is a good idea. It might save lives. I commend the gentleman from Arizona (Mr. FLAKE) for keeping this a clean bill.

Mr. Speaker, I yield back the balance of my time.

□ 1500

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

# BORDER COMMUTER STUDENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to establish new nonimmigrant classes for border commuter students.

The Clerk read as follows:

H.R. 4967

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Com-muter Student Act of 2002".

## SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

(a) CLASS FOR ACADEMIC OR LANGUAGE STUDIES.—Section 101(a)(15)(F) of the Im-migration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (F) and inserting the fol-lowing: "(ii) the alien spouse and minor chil-dren of any alien described in clause (i) if ac-companying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual re-sidence and place of abode in the country of nationality, who is described in clause (i) ex-cept that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

(b) CLASS FOR VOCATIONAL OR NONACADEMIC STUDIES.—Section 101(a)(15)(M) of the Im-migration and Nationality Act (8 U.S.C. 1101(a)(15)(M)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (M) and inserting the fol-lowing: "(ii) the alien spouse and minor chil-dren of any alien described in clause (i) if ac-companying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual re-sidence and place of abode in the country of nationality, who is described in clause (i) ex-cept that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

(c) LIMITATION.—Section 214(m) of the Im-migration and Nationality Act (8 U.S.C. 1184(m); as redesignated by section 107(e)(2)(A) of P.L. 106-386) is amended by striking "section 101(a)(15)(F)(i)" both places it appears and inserting "clause (i) or (iii) of section 101(a)(15)(F)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 min-utes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speak-er, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4967, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gen-tleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speak-er, I yield myself such time as I may consume.

Mr. Speaker, the Immigration and Nationality Act permits foreign stu-dents to study in the United States on nonimmigrant student visas. Aliens must be full-time students to be eligi-ble for F visas, which is academic or language studies, or M visas, which are vocational or non-academic studies, nonimmigrant student visas. However, some INS districts have paroled com-muter students from Canada and Mex-ico into the United States as visitors to bypass this statutory requirement because no visa category exists for part-time commuter students.

Since September 11, 2001, the INS has issued memoranda regarding its intent to end this practice of accommodating part-time commuter students but per-mits its continuance through the end of this year for students already en-rolled in border schools. On August 27, 2002, the INS issued an interim rule to expand the F and M student visa cat-egories to permit Mexican and Cana-dian commuter students to obtain stu-dent visas.

However, such a rule is open to dif-fering interpretations across adminis-trations. By passing H.R. 4967, this bill would make Congress' intent clearer that the Canadian and Mexican stu-dents should be able to obtain student visas and attend U.S. schools along our borders.

The bill amends the F and M student categories of the Immigration and Na-tionality Act to expand student visa authorization only for nationals of Canada or Mexico who maintain actual residence and place of abode in the country of nationality, whose course of study may either be full- or part-time, and who commute to the U.S. institu-tion or place of study from Canada or Mexico. These part-time students will be tracked in the Student and Ex-change Visitor Information System, or SEVIS; and I would point out that if this bill is not passed, and they con-tinue to be paroled in as visitors, they will not be tracked under SEVIS be-cause they do not have student visas.

In practice, the INS has been allow-ing the students in for years but with-out proper authority to do so. This bill gives the INS that proper authority, and I urge my colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I might consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my col-leagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially con-gratulate the gentleman from Arizona

(Mr. KOLBE) for his untiring efforts to move this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part-time in the United States. Accord-ing to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are en-rolled at U.S. colleges on a full-time basis. There are thousands of addi-tional students that are part-time stu-dents.

Texas has a significant portion of students who commute to schools in Texas. For years now, border points like El Paso and Laredo have made ex-ceptions for part-time Mexican stu-dents who enter on a daily visitor and travel visa. Schools in Texas, such as Texas A&M International, will benefit from this legislation. Texas A&M International University has approxi-mately 50 to 60 students that benefit from this legislation. At the University of Texas Pan-American in Edinburg, Texas, 14 of the 425 international stu-dents are part-time.

According to university officials at both institutions, many more students would attend if they could be able to cross the border easily. Unfortunately, current law does not establish an ap-propriate visa for those part-time com-muter students who, in fact, are com-ing to learn and then returning home to contribute to their communities.

Under the Immigration and Natu-ralization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized voca-tional institution or an established col-lege, university or other academic in-stitution in the United States are eligi-ble for student visas. For the purpose of granting student visas, the INS de-fines "full course of study" as 12 cred-its or more. So, therefore, part-time commuter students, those who might only be taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. I am encouraged by the INS' recent reversal of a May 2002 decision to eliminate this practice and enforce the full-time 12-hour credit requirement.

We do know that we live in different times since the horrific acts of 9-11. We do know our responsibilities for border security; and of course, as I have men-tioned earlier, my commitment to such in cosponsorship of several bills, recog-nizing the balance, a balance in the previous bill to add a study on racial profiling, this bill is a balance. It recog-nizes that these students are coming to learn, to contribute, and to make a difference not only in their lives but in their communities.

It also recognizes the economic as-pect of it, and these students will be contributing to the economy of the re-gions of which they participate in those academic institutions.

Fortunately, the agency recently postponed enforcement of the policy

until August 15, 2002, while administrative and legislative remedies are considered. I consider that a balanced perspective on the part of the INS.

The legislation we are introducing today appropriately addresses the problem facing part-time commuter students without hoping for a new avenue for illegal immigration. Of course, this bill is on the floor of the House today and would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country of nationality and who commute to school to enroll part-time in schools in the United States, and part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents or others, who are nationals of third countries, who simply live in Canada or Mexico eligible for the visas; and I think that is an important point to make.

Again, I believe that we have an enormous responsibility to ensure the security of our communities, but I think this is a balanced and forthright legislative initiative to help all.

Finally, Mr. Speaker, the Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of participation in services mandatory by January 30, 2003. However, SEVIS only tracks non-immigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill for the first time will ensure that part-time commuter students from Canada and Mexico are also tracked through the student tracking process, again in response to the new concerns we have after September 11.

I ask my colleagues to support this balanced initiative and support this legislation.

Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially congratulate Mr. KOLBE for moving this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part time in the United States. According to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are enrolled at U.S. Colleges on a full time basis. There are thousands of additional students that are part-time students. Texas has a significant portion of students who commute to schools in Texas. For years now Border points like El Paso and Laredo Texas have made exceptions for part-time Mexican students who entered on a daily visitor and travel visas. Schools in Texas such as Texas A&M International will benefit from this legislation. Texas A&M International University has approximately 50 to 60 students that would benefit from this legislation. At the University of Texas Pan American in Edinburg, Texas, 14 of the

425 international students are part-time students. According to university officials at both institutions many more students would attend if they could cross the border easily. Unfortunately, current law does not establish an appropriate visa for these part-time commuter students.

Under the Immigration and Naturalization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized vocational institution or an established college, university, or other academic institution in the United States are eligible for student visas. For purposes of granting student visas, the INS defines "full course of study" as 12 credits or more. Part-time commuter students, those who might be only taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. I am encouraged by the INS recent reversal of a May 2002 decision to eliminate this practice and enforce the full time, 12 credit hour requirement.

Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered.

The legislation we are introducing today appropriately addresses the problem facing part-time commuter students without opening new avenues for illegal immigration. This bill would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country or nationality and who commute to school to enroll part time in schools in the United States. Part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents, or others who are nationals of third countries but simply live in Canada or Mexico eligible for the visas.

This legislation is also consistent with the current INS interim rule in that it ensures that part-time commuter students are tracked through the Student Exchange Visitor Information System. As we discussed in our Subcommittee hearing a few weeks ago on SEVIS, this system was set up to ensure that the Federal Government is aware of changes in a foreign student's status that could affect their eligibility to remain in the United States. The Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of SEVIS. Participation in SEVIS is mandatory by January 30, 2003; however, SEVIS only tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill will, for the first time, ensure that part-time commuter students from Canada and Mexico are tracked through SEVIS.

While I acknowledge new security concerns in the aftermath of September 11, I feel that we can meet those concerns without prohibiting all part-time commuter students from attending classes at schools in the United States. This legislation represents a bipartisan compromise that will allow us to meet these needs in a reasonable, thoughtful manner. This legislation represents the best type of legislation that results when members on op-

posing sides can put aside partisan differences and work for viable solutions. I am pleased to support this measure and I will work to see its passage in the 107th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE), the principal author of this bill.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to thank the chairman of the full committee and the ranking member, the distinguished gentleman from Texas, the ranking member of the Subcommittee on Immigration and Claims, for their courtesies shown to me and my staff in the preparation of this bill and the consideration of it in the committee.

Mr. Speaker, H.R. 4967 will end years of frustration for colleges and universities, frustration made worse by the terrorist attacks of September 11.

The Border Commuter Student Act is simple in its purpose. It is to allow U.S. border colleges to teach Mexican and Canadian citizens who live near the border. It creates a new non-immigrant classification for Mexicans and Canadians who want to commute each day to U.S. college or school. The study can be full-time or part-time.

The people of Mexico and Canada who live and work in their home country but who want to attend a night class, such as business English for Mexicans, in the United States should be allowed to do this. Every day citizens of Mexico and Canada cross back and forth to shop, to do business, to visit relatives. They should also be able to further their education. On that, I think most of us agree.

Current law provides for two student nonimmigration categories. The F1 category is for academic studies and the M1 category is for nonacademic or vocational studies. These categories by law require that a student be enrolled full-time; but here is the loophole, or I should say the gaping hole, for commuting students.

A person can enter the United States only to study full-time; and if they enter for business or for pleasure, the law explicitly states that they cannot be enrolled in a study.

For decades, it has been the policy of the INS that these border commuter students were required to attend class full-time; however, it was loosely enforced prior to September 11, 2001. The INS recently pushed this law to its limit by allowing border commuter students to enter the United States to study on a reduced course load as long as they are a "qualified full-time student."

I commend the INS for expanding the number of students that can enter the U.S. as full-time students to include these quasi-full-time students. Although the INS did what they could

under the law that limits students entering the country to full-time status, this simply is not enough.

We need to clarify the law so that there is no misunderstanding, no room for misinterpretation, and no room for further changes by future administrations to this policy. We need to give these colleges and students the confidence that a future INS commissioner is not going to change policy midstream in someone's studies.

The Border Commuter Student Act creates a new classification for Mexicans and Canadians to enter the United States. In other words, it provides additional options for the citizens of our neighboring countries to enter the U.S. It does not allow foreign children to attend public elementary or high schools; and it ensures national security by continuing the requirement that all foreign students be entered into the student tracking system; and that, Mr. Speaker, is very important.

It is in the interest of the United States to allow our neighbors to take courses in English and history and mathematics and philosophy or business or nursing or any other kind of vocation or profession at our Nation's colleges and schools along the border. In addition, it is in the interest of Mexico and Canada to allow their citizens access to an expanded area of educational opportunities.

I am very proud today that the House of Representatives is doing its part to help these schools and these students. I believe our neighbors to the south and the north deserve special treatment and the Border Commuter Student Act adds another option to enter the United States for Canadians and Mexicans who live along the border.

The bipartisan bill was voted out of the Committee on the Judiciary unanimously. It is supported by the administration, by the Mexican Government, the Canadian Government, the U.S.-Mexico Counties Coalition, the Arizona-Mexico Commission, the American Association of State Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the Career College Association, the Hispanic Association of Colleges and Universities, the University of Phoenix system, University of Texas system, and Texas Tech.

Mr. Speaker, this is, as the gentlewoman said earlier, good legislation. It is balanced legislation. It corrects a flaw we have had in our immigration law for some time, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me just conclude by simply saying what we want in this legislation is to help our commuter students from Canada and Mexico come in, be trained, and contribute to their communities and societies. This is a balanced legislative initiative, and I ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4967, the Border Com-

muter Student Act. I applaud my colleague, Mr. KOLBE, for his hard work at addressing in issue that is critical along the U.S.-Mexico and Canada borders.

As you know, the situation on the U.S.-Mexico and Canada borders is unique in regard to foreign students who reside in their homelands and who cross at our Ports-of-Entries (POEs) to use American colleges and universities. Many of these students attend classes on a part-time basis. In the past, the interpretation of the meaning of part-time student varied from POE to POE resulting in inconsistent policy. Immigration and Naturalization Service (INS) District Directors used their discretion in allowing part-time students to cross at many POEs.

Recently, the INS began to enforce laws by stating that "aliens who seek to enter the United States regularly but primarily to pursue less than a full course of study are neither visitors nor students and are ineligible for student visa or visitor status." INS Commissioner Ziglar further clarified policy by stating that "the POEs are not to admit visitors for business or pleasure whose purpose for entering the United States is to pursue a part-time course of study at a college or university."

As we continue with our efforts to secure our homeland, I will be the first to admit that priority must be placed on improving the ability of the INS to enforce our laws and deploy technology necessary to secure our nation's borders. Having worked for many years in the U.S. Border Patrol, I understand the importance of increasing security at our nation's POEs and I also understand the need to carefully monitor student visas.

However, as you can imagine Mr. Speaker, this situation would have created a great deal of confusion in my district and in many other districts along the U.S.-Mexico and Canadian borders and would have penalized law-abiding people who were taking steps to educate and improve themselves. In fact, there are over 2,000 students in my district alone who would have been adversely impacted by the implementation of this policy. Some of these students included professionals who work full-time in Mexico border cities and who cross regularly to attend colleges and universities part-time in pursuit of graduate degrees. Such individuals include skilled workers in maquiladoras, educators, and engineers. Many of these individuals contribute to the improvement and quality of life for sister cities along our borders.

The Border Commuter Student Act, of which I am an original cosponsor, creates two new non-immigrant student visa categories for Canadian and Mexican students who study part-time in the United States but who live in their home country. This legislation only applies to schools located within 75 miles of the border. Mr. Speaker, this is good, common-sense legislation that closes a loophole and allows students from the U.S.-Mexico and Canada borders to attend classes in the United States on a part-time basis. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1515

#### OUR LADY OF PEACE ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4757) to improve the national instant criminal background check system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Our Lady of Peace Act".*

#### SEC. 2. FINDINGS.

*The Congress finds the following:*

(1) Since 1994, more than 689,000 individuals have been denied a gun for failing a background check.

(2) States that fail to computerize their criminal and mental illness records are the primary cause of delays for background checks. Helping States automate their records will reduce delays for law-abiding gun owners.

(3) 25 States have automated less than 60 percent of their felony criminal conviction records.

(4) 33 States do not automate or share disqualifying mental health records.

(5) In 13 States, domestic violence restraining orders are not automated or accessible by the national instant criminal background check system.

(6) In 15 States, no domestic violence misdemeanor records are automated or accessible by the national instant criminal background check system.

#### TITLE I—TRANSMITTAL OF RECORDS

#### SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by inserting "electronically" before "furnish"; and

(2) by adding at the end the following: "The head of each department or agency shall ascertain whether the department or agency has any records relating to any person described in subsection (g) or (n) of section 922 of title 18, United States Code and on being made aware that the department or agency has such a record, shall make the record available to the Attorney General for inclusion in the system to the extent the Attorney General deems appropriate. The head of each department or agency, on being made aware that the basis under which a record was made available under this section does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system. The Attorney General shall notify the Congress on an annual basis as to whether the Attorney General has obtained from each such department or agency the information requested by the Attorney General under this subsection."

(b) **IMMIGRATION RECORDS.**—The Commissioner of the Immigration and Naturalization Service shall cooperate in providing information regarding all relevant records of persons disqualified from acquiring a firearm under Federal law, including but not limited to, illegal aliens, visitors to the United States on student visas, and visitors to the United States on tourist visas, to the Attorney General for inclusion in the national instant criminal background check system.

#### **SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.**

(a) **IN GENERAL.**—Beginning 5 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 if the State provides at least 95 percent of the information described in subsection (b). The length of such a waiver shall not exceed 5 years.

(b) **ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—

(1) **REQUIREMENTS FOR ELIGIBILITY.**—The State shall make available the following information established either through its own database or provide information to the Attorney General:

(A) The name of and other relevant identifying information relating to each person disqualified from acquiring a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, and each person disqualified from acquiring a firearm under applicable State law.

(B) The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system.

(C) Any information provided to the Attorney General under subparagraph (A) may be accessed only for background check purposes under section 922(t) of title 18, United States Code.

(D) The State shall certify to the Attorney General that at least 95 percent of all information described in subparagraph (A) has been provided to the Attorney General in accordance with subparagraph (A).

(2) **APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.**—

(A) For purposes of paragraph (1), a person disqualified from acquiring a firearm as referred to in that paragraph includes a person who has been convicted in any court of any Federal, State, or local offense that—

(i) is a misdemeanor under Federal or State law or, in a State that does not classify offenses as misdemeanors, is an offense punishable by imprisonment for a term of 1 year or less (or punishable by only a fine);

(ii) has, as an element of the offense, the use or attempted use of physical force (for example, assault and battery), or the threatened use of a deadly weapon; and

(iii) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, (for example, the equivalent of "common-law marriage" even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (for example, two persons who are residing at the same location in an intimate relationship with the intent to make that place their home would be similarly situated to a spouse).

(B) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) unless—

(i) the person is considered to have been convicted by the jurisdiction in which the proceeding was held;

(ii) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(iii) in the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

(I) the case was tried by a jury; or

(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea, or otherwise.

(C) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

(3) **APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.**—

(A) For purposes of paragraph (1), an adjudication as a mental defective occurs when a court, board, commission, or other government entity determines that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease—

(i) is a danger to himself or to others; or

(ii) lacks the mental capacity to contract or manage his own affairs.

(B) The term "adjudicated as a mental defective" includes—

(i) a finding of insanity by a court in a criminal case; and

(ii) a finding that a person is incompetent to stand trial or is not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. 850a, 876b).

(C) **EXCEPTIONS.**—This paragraph does not apply to—

(i) a person—

(I) in a mental institution for observation; or

(II) voluntarily committed to a mental institution; or

(ii) information protected by doctor-patient privilege.

(4) **PRIVACY PROTECTIONS.**—For any information provided under the national instant criminal background check system, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. In the event of a conflict between a provision of this Act and a provision of State law relating to privacy protection, the provision of State law shall control.

(5) **STATE AUTHORITY.**—Notwithstanding any other provision of this subsection, a State may designate that records transmitted under this subsection shall be used only to determine eligibility to purchase or possess a firearm.

(c) **ATTORNEY GENERAL REPORT.**—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in providing that information pursuant to the requirements of such subsection.

#### **SEC. 103. IMPLEMENTATION GRANTS TO STATES.**

(a) **IN GENERAL.**—From amounts made available to carry out this section, the Attorney General shall make grants to each State, in a manner consistent with the national criminal history improvement program, which shall be used by the State, in conjunction with units of local

government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.

(b) **USE OF GRANT AMOUNTS.**—Grants under this section may only be awarded for the following purposes:

(1) Building databases that are directly related to checks under the national instant criminal background check system (NICS), including court disposition and corrections records.

(2) Assisting States in establishing or enhancing their own capacities to perform NICS background checks.

(3) Improving final dispositions of criminal records.

(4) Supplying mental health records to NICS.

(5) Supplying court-ordered domestic restraining orders and records of domestic violence misdemeanors (as defined in section 102 of this Act) for inclusion in NICS.

(c) **CONDITION.**—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this section shall be liable to the Attorney General for the full amount granted.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2004, 2005, and 2006.

(e) The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

### **TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS**

#### **SEC. 201. CONTINUING EVALUATIONS.**

(a) **EVALUATION REQUIRED.**—The Director of the Bureau of Justice Statistics shall study and evaluate the operations of the national instant criminal background check system. Such study and evaluation shall include, but not be limited to, compilations and analyses of the operations and record systems of the agencies and organizations participating in such system.

(b) **REPORT ON GRANTS.**—Not later than January 31 of each year, the Director shall submit to Congress a report on the implementation of section 102(b).

(c) **REPORT ON BEST PRACTICES.**—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of identifying information relating to individuals described in subsection (g) or (n) of section 922 of title 18, United States Code, by the State or any other agency, or any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.

### **TITLE III—GRANTS TO STATE COURTS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS**

#### **SEC. 301. GRANTS AUTHORIZED.**

(a) **IN GENERAL.**—From amounts made available to carry out this section, the Attorney General shall make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders.

(b) **USE OF FUNDS.**—Amounts granted under this section shall be used by the chief judicial officer only as follows:

(1) For fiscal year 2004, such amounts shall be used to carry out assessments of the capabilities of the courts of the State for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(2) For fiscal years after 2004, such amounts shall be used to implement policies, systems, and procedures for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$125,000,000 for each of fiscal years 2004, 2005, and 2006.

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was the principal Republican author of the Brady Act, which was signed into law in 1994. While much of the debate on the Brady Act was on the 5-day waiting period that was contained in there, the lasting good of the Brady Act was the establishment of the National Instant Criminal Background Check System, wherein people who are statutorily ineligible from possessing any type of firearm, such as a convicted felon or an adjudicated mental incompetent, could be identified instantly and a proposed firearm sale could be denied to that individual.

This part of the Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or State law from possessing them. The NICS system was established by the Attorney General to enforce the provisions of the Brady Act. The mission of NICS is to ensure the timely sale of firearms to individuals who can legally possess them and to deny their sale to individuals who are prohibited from possessing or receiving a firearm.

But background checks can only be as effective as the records that are available to be checked, and most crimes of violence are prosecuted under State and local law rather than Federal law. So the NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the States.

NICS has not been operating in the most efficient way possible because of the failure of certain State and local governments to provide NICS with the current information regarding individuals who may be disqualified from purchasing or possessing a firearm. De-

spite the fact that the Federal Government has contributed more than \$350 million since 1995 through the National Criminal History Improvement Program, called NCHIP, to help the States update their records and to improve reporting, some States still have not completely computerized their criminal records and do not maintain complete criminal history records.

Some States still do not have computerized records on mental health adjudications. And in some States domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even States that do keep records fail to note the final disposition of arrest charges. This bill is designed to provide more money to the States to make these records as close to 100 percent perfect as possible, and I support it.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after 3 business days, the firearms dealer may proceed with the sale. So if the records are not in NICS and cannot be found in 3 days, the sale goes through even though the buyer might be an adjudicated mental incompetent or a convicted felon.

The NCHIP program has helped increase the records available for search by NICS by as much as 60 percent. But some States and local governments have failed to automate their records or otherwise make them available to next, and I am particularly troubled by States that have refused to join the Federal Government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about the State of Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters into the RECORD to highlight this problem.

In a March 12, 2002, letter to the FBI, the Maryland State Archives informed the FBI, "We can no longer provide the research and assistance your program requires without reimbursement for the work." The letter indicated that the annual cost of providing this research to support NICS would cost about \$45,000 annually. It was not until August 27, 2002, that the Maryland Department of Public Safety reaffirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to once again discontinue cooperation.

Mr. Speaker, it is outrageous that the State of Maryland would let almost 7 months go by without assisting the FBI with these criminal NICS checks. And I do not know if this was the fault of the executive branch or the failure of the Maryland legislature to provide enough money to do the job, but 7 months went by and nothing was being done.

The Federal Government spends about \$60 million annually on NICS, and as I have already said, about \$350 million in the last 7 years on NCHIP. Maryland has received over \$6,700,000 from NCHIP to improve its criminal history records. Are we to believe that Maryland could not find another \$45,000 to assist with NICS checks? Maryland's shortsighted policy has made it the weak link in the NICS system.

Maryland's policy has endangered lives and threatened public safety. Maryland's failure affects every State because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing.

It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was important. Only Maryland said no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice assistance provided Maryland and the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story, reported that Maryland Lieutenant Governor Kathleen Kennedy Townsend "Is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland." I would suggest that the folks in Annapolis start by assisting the FBI with a program that we know will keep guns out of the hands of criminals.

Mr. Speaker, the Lieutenant Governor's biography, which is posted on the official State of Maryland Web site, claims she is "Maryland's point person on criminal justice," and her biography lists a number of anticrime efforts for which she takes credit. As the point person for criminal justice matters, I would expect the Lieutenant Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today for a complete audit of Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade State criminal history records is all well and good, but Federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense, and that common sense dictates that we need to keep guns out of the hands of criminals and other dangerous individuals. NICS can only do that if it is provided the records on those individuals. Accordingly, funds provided to the States must be used to improve their recordkeeping and automate system to reduce delays for law-abiding gun purchasers and to prevent guns from falling into the wrong hands.



In 1998, the Brady Act required Federal Firearms Licensees (FFL) to initiate a background check on all persons who attempt to purchase a firearm. The Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or state law from possessing them. The Attorney General established the National Instant Criminal Background Check System (NICS) operation center to enforce the provisions of the Brady Act.

The NICS mission is to ensure the timely sale of firearms to individuals who are not prohibited under Federal law and deny a sale to those individuals who are prohibited from possessing or receiving a firearm. However, background checks can only be as effective as the records available to be checked. The NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

The current NICS system has not been operating in the most efficient way possible because of the failure of certain states and local governments to provide NICS with current information regarding individuals who may be disqualified from purchasing a firearm. Despite the fact the Federal government has contributed more than \$350 million since 1995 through the National Criminal History Improvement Program (NCHIP) to help states update their records and improve reporting, some states still have not completely computerized their criminal records and do not maintain complete criminal-history records. Some states still do not keep computerized records on mental health adjudications. In some states, domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even states that do keep records fail to note the final disposition of arrest charges.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after three business days, the firearms dealer may proceed with the sale. The NCHIP program has helped increase the records available for a search by NICS by as much as 60%; however, some states and local governments have failed to automate their records or otherwise make them available to NICS. I am particularly troubled by states that fail to join the federal government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters in the record which highlight this problem. In a March 12, 2002 letter to the FBI, the Maryland State Archives informed the FBI that "we can no longer provide the research and assistance your program requires without reimbursement for the work."

The letter indicated that the annual cost of providing this research to support NICS would cost about \$45,000 annually. It was not until Aug. 27, 2002, that the Maryland Dept. of Public Safety affirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to again discontinue cooperation. Mr. Speaker, it is outrageous that Maryland would let almost 7 months go by without

assisting the FBI with these critical NICS checks.

The Federal government spends about \$60 million annually on NICS and as I have already indicated, over \$350 million since 1995 on NCHIP. Maryland has received over \$6.7 million from NCHIP to improve its criminal history records. Are we to believe Maryland could not find \$45,000 to assist with NICS checks? Maryland's short sighted policy made it the weak link in the NICS system. Maryland's policy endangered lives and threatened public safety. Maryland's failure affects every state because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing. It is my understanding that the state of Maryland was the only state to refuse to assist the FBI with its NICS checks. Maryland is apparently now providing that assistance but only if federal funding is available. This is not tolerable given the amount of NCHIP and other federal criminal justice assistance provided to Maryland. And the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story reported that Maryland Lt. Governor Kathleen Kennedy Townsend "is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland . . . ." I would suggest that the politicians in Maryland start by assisting the FBI with a program that we know will keep guns out of the hands of criminals. Mr. Speaker, Maryland Lt. Governor Townsend's biography, which is posted on the official Maryland state website, claims that she is "Maryland's point person or criminal justice . . ." and her biography lists a number of anti-crime efforts for which she takes credit. As the point person for criminal justice matters, I expect the Lt. Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today in which the GAO will completely audit Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade state criminal history records is all well and good, but federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense. Common sense dictates that we need to keep guns out the hands of criminals and dangerous individuals. NICS can only do that if it is provided the records on these individuals. Accordingly, funds provided to the states must be used to improve their record keeping and automate systems to reduce delays for law-abiding gun purchasers and prevent guns from falling into the wrong hands.

Mr. Speaker, I urge support of this bill, and at this point would include for the RECORD the letters I referred to above:

MARYLAND STATE ARCHIVES,  
March 12, 2002.

Ms. LINDA L. MILLER,  
Federal Bureau of Investigation,  
National Instant Criminal Background Check  
System,  
Clarksburg, WV.

DEAR MS. MILLER. We regret that we can no longer provide the research and assistance your program requires without reimbursement for the work. Orders received before March 18 will be the last we are able to

process, unless the enclosed memorandum of understanding is signed before then.

Since July 1, 2001, the Maryland State Archives has responded to 1,800 requests for dispositions of criminal cases related to the National Instant Criminal Background Check System. Our staff researched the case numbers through an on-line system, or from docket book indices, or by contacting the courts. We then located, reproduced, and faxed the dockets that reflect the charge and disposition. Archives staff averaged next day response for requests received on weekdays, and always responded within three working days (unless we were dependent on the courts for case numbers which are reported after that time). The annual cost of providing this efficient service will approach \$45,000.00 this year alone.

We have previously requested federal funding directly through NICS and through federal grants to this state, but no support has been forthcoming to date. Direct financial support for the staff and facilities to make this information accessible is required. Given the state imposed hiring freeze we are operating under and the loss of reference staff in the last four months, it is not possible for the Archives to continue providing this service to your agency unless funds are found to pay us a per unit cost of \$25.00 for each request.

We estimate that the Archives has processed better than half of all the applications that your office receives from Maryland which require further information before the background check can be completed. If you are unable to secure funding to assist us in the research necessary to fulfill your requests, we foresee that you will have to assign an agent to research here on a full-time to continue to perform this work. We know from our own experience that each case requires approximately one hour of research. We will assist any agent in our public Search Room at the Hall of Records in Annapolis to locate the necessary documents on days that we are open. The Archives provides this level of service to anyone who visits our facility, although I should point out that budget cuts may force us to close the Search Room for one or more days during the week.

Sincerely yours,

CHRISTOPHER N. ALAN,  
Deputy State Archivist.

MARYLAND STATE ARCHIVES,  
Federal Bureau of Investigation,  
National Instant Criminal Background Check  
System, Clarksburg, WV

Please note that the Maryland State Archives that as of March 18 the Archives is no longer providing remote criminal research for the National Instant Criminal Background Check System. You are invited to conduct this and any future criminal background research in the Archives' public Search Room. Please note that many criminal files or necessary indices may still be in the custody of the courts.

The public search room is open Tuesday through Friday, 8:00 a.m. to 4:30 p.m. and Saturday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. The Archives is closed on Mondays. On weekdays the search room remains open at lunchtime (12:00 p.m. to 1:00 p.m.) with reduced services. The Archives is closed on state holidays. The state holiday closings for 2002 are: Tuesday, January 1; Thursday, July 4; Tuesday, November 5; Thursday, Friday and Saturday, November 28, 29 & 30; Wednesday, December 25. The Maryland State Archives is located at 350 Rowe Boulevard, Annapolis, MD 21401.

Sincerely,

R.J. ROCKEFELLER, PH.D.,  
Director, Reference Services.

STATE OF MARYLAND, DEPARTMENT  
OF PUBLIC SAFETY AND CORREC-  
TIONAL SERVICES, INFORMATION  
TECHNOLOGY AND COMMUNICATIONS  
DIVISION,

*Pikesville, Maryland, August 27, 2002.*

Re National Instant Check System (NICS)—  
FBI Letter (May 9, 2002) to Maryland  
State Archives and Response (May 31,  
2002) from Maryland State Archives.

KIMBERLY DEL GRECO,

*Acting Section Chief, NICS Program Office,  
Clarksburg, WV*

DEAR MS. DEL GRECO: I am writing on be-  
half of the Criminal Justice Information  
System (CJIS) Central Repository in re-  
sponse to the letter dated May 9, 2002, from  
Mr. Timothy Munson, NICS Program Office,  
to Mr. Christopher Allan, Deputy State Ar-  
chivist of the Maryland State Archives. Mr.  
Munson's letter detailed some of the frustra-  
tions he was experiencing in obtaining Mary-  
land criminal history record information on  
subjects under the purview of the NICS oper-  
ations. I am also in receipt of the response  
from Mr. Allan.

The Secretary of Public Safety and Correc-  
tional Services and the Chief Judge of the  
Maryland Court of Appeals jointly oversee  
Maryland's Criminal Justice Information  
System (CJIS). It is established under the  
authority of the Criminal Procedure Article,  
§§10-201-10-234, Annotated Code of Maryland.  
The enabling statute is implemented by ex-  
ecutive Code of Maryland Regulations  
(COMAR 12.15.01) and by judicial rules  
(Maryland Rules §§16-308 and 16-508). The  
CJIS Central Repository is housed for ad-  
ministrative purposes in the Information  
Technology and Communications Division of  
the Department of Public Safety and Correc-  
tional Services.

The policy issues raised in both letters re-  
ferenced above are of genuine concern to  
Maryland, and in particular to this Depart-  
ment. I apologize for the long delay in re-  
sponding to the original letter. I felt it was  
important to first identify what created the  
issues identified by Mr. Munson and then, in  
consultation with NICS staff, to take im-  
mediate steps to reach a mutually agreed-upon  
resolution.

I think resolution has been reached, the re-  
sult of several conference calls between our  
respective staffs. Consensus on procedural  
issues included, among others, the following:

Installation of a dedicated fax machine by  
the FBI,

Faxing completed response to the FBI  
within 24 hours of receipt of inquiry,

Use of standardized verbiage re: sources of  
dispositions,

Development of holiday/weekend work  
schedules, and

Identification of points-of-contact at the  
respective agencies.

I should also point out that, because Mary-  
land was a "day-forward" participant when  
it joined the Interstate Identification Index  
(III) in March 1998, this State has not been  
able to electronically supply criminal his-  
tory record information prior to March 1998.  
However, this Department is supporting the  
efforts of CJIS Central Repository to make  
these the pre-March 1998 records available  
for NICS investigations as soon as may be  
possible.

I am committed not merely to maintaining  
Maryland's criminal history record informa-  
tion in the CJIS Central Repository in a  
timely, complete, and accurate fashion, but  
also to utilizing procedures that will provide  
this information to authorized users in an ef-  
ficient and effective manner. Please let me  
know if the attempt to improve our response  
with respect to NICS operations develops

further problems or does not in any way sat-  
isfy the needs of NICS.

Sincerely,

JUDITH A. WOOD  
*Chief Information Officer.*

MARYLAND STATE ARCHIVES,  
*October 3, 2002.*

Gary Wick,

*Asst. Operation Manager, U.S. Department of  
Justice, Clarksburg, WV.*

DEAR MR. WICK: Thank you for your letter  
of September 19 regarding the Maryland  
State Archives and NICS research. Dr.  
Papenfuss asked me to respond on his behalf.

Your suggestions are welcome. We will im-  
mediately cease mailing copies after the fax  
transmissions. Some consider fax an unsatis-  
factory record, so we followed with copies. If  
you find the fax adequate, we will rely on  
that alone. Your staff may continue to con-  
tact us by telephone when the fax presents a  
legibility issue. We wish that the NICS staff  
had access to adequate email so that we  
might transmit the very fine image files we  
use to reproduce the documents.

You might occasionally receive contradic-  
tory reports when a first search yields noth-  
ing, but when further information provided  
by your agents or our own quality assurance  
steps locate a record at first not found. This  
happens rarely, but is not due to multiple  
staff member seeking the same record and  
passing by one another. I am pleased when  
we can follow up and report comprehen-  
sively, even if after the initial 72 business  
hours.

We are pleased to report that federal funds  
are available to pay for this service through  
the NCHIP FY 2002 Program and the Mary-  
land Department of Public Safety and Cor-  
rectional Services. So long as such funds are  
available, the Archives will endeavor to con-  
tribute to national and personal security in  
support of the NICS operation.

Sincerely,

R.J. ROCKEFELLER, PH.D.,  
*Director, Reference Services.*

Mr. Speaker, I reserve the balance of  
my time.

Ms. JACKSON-LEE of Texas. Mr.  
Speaker, I yield myself such time as I  
may consume.

Let me first thank the proponents of  
this legislation, particularly the distin-  
guished gentlewoman from New York  
(Mrs. MCCARTHY) who has been waging  
a definitive and balanced and open ef-  
fort to protect Americans all over this  
Nation as relates to gun safety.

The gentlewoman from New York is  
joined, of course, by the dean of the  
House, the gentleman from Michigan  
(Mr. DINGELL), who has shown the kind  
of diplomacy and openness to sharing  
in this legislation to get to the final  
point, and that is to save lives. So I  
rise with enthusiastic support and in  
appreciation of their leadership in sup-  
port of the Our Lady of Peace Act, H.R.  
4757.

Mr. Speaker, I might also commend  
the ranking member, the gentleman  
from Michigan (Mr. CONYERS), who of-  
fers his enthusiastic support, and the  
ranking member of the Subcommittee  
on Crime, Terrorism and Homeland Se-  
curity, the gentleman from Virginia  
(Mr. SCOTT), who offers his enthusiastic  
support for this legislation.

The chairman of the committee  
makes a very vital point, particularly  
as we look at the enormous tragedy

that the people of this particular re-  
gion, the Washington, DC, area, are  
facing right now. All of us offer our  
deepest sympathy as we face a chal-  
lenge, where lives are being lost, by a  
perpetrator which no one has been able  
to determine the basis of the actions or  
to determine the identity of that per-  
petrator at this time.

This is an important legislative ini-  
tiative, and I would expand the request  
of the distinguished chairman and ask  
for an investigation or a requirement  
of a report from all the States, in addi-  
tion to Maryland, to be able to deter-  
mine the assessment that is so impor-  
tant. So that that could be a part of  
this legislation, we should join in ask-  
ing for reports from all the 50 States.

□ 1530

Let me simply say because Federal  
law requires that a gun sale proceed  
after 3 business days, even a back-  
ground check is inconclusive. A num-  
ber of felons, fugitives, and stalkers re-  
ceived guns that we later have to re-  
trieve. And while 95 percent of all  
background checks are completed  
within 24 hours, because of incomplete  
records the remaining 5 percent take  
more time. Those 5 percent are 20  
times more like to be a felon, fugitive,  
or stalker.

In fact, we learned from a recent  
GAO study requested by the gentleman  
from Michigan (Mr. CONYERS) to look  
into the problem of domestic violence,  
it was determined that nearly 3,000  
convicted domestic batterers and child  
abusers were able to purchase firearms  
between 1998 and 2001. Despite Federal  
laws designed to prevent this, nearly 10  
percent of the annual homicides in-  
volving the killing of a spouse or part-  
ner, almost all the victims were  
women, and most were done by using a  
firearm. We must do better.

One part of the solution is to allow  
more time for background checks, and  
this would allow us to more fully inves-  
tigate purchasers whose records raise a  
red flag. It would also allow a cooling-  
off period which has proven to be ef-  
fective to deter heat-of-passion crimes.

Another part of the solution is this  
bill, and I am delighted to rise in sup-  
port of this bill which will provide in-  
centive for States to provide more  
complete records to the Federal Gov-  
ernment. This will result in faster and  
smarter background checks.

So in conclusion, Mr. Speaker, I con-  
gratulate the proponents of this bill.  
And as well, I would hope that we  
would support this bill enthusiastically.

I strongly support this legislation. A major  
problem with the instant check system has  
been the incomplete records of state and local  
governments. Because federal law requires  
that a gun sale proceed after three business  
days even if a background check is inconclu-  
sive, a number of felons, fugitives and stalkers  
receive guns that we later have to retrieve.

Ninety-five percent of all background checks  
are completed within 24 hours. Because of in-  
complete records, the remaining five percent

take more time. Those five percent are twenty times more likely to be a felon, fugitive or stalker. This also will help keep guns out of the hands of those that would harm others such as the mentally disabled.

In fact, in a recent GAO study I requested looked at this problem in the area of domestic violence. I was extremely disturbed to learn that nearly 3,000 convicted batterers and child abusers were able to purchase firearms between 1998–2001, despite federal laws designed to prevent this. Nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women and most were killed using a firearm. We must do better!

One part of the solution is to allow more time for background checks. This would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a "cooling off" period, which has been proven effective to deter heat of passion crimes.

Another part of the solution is this bill. It will provide incentives for states to provide more complete records to the federal government. This will result in faster and smarter background checks.

Finally, I want to thank and congratulate my colleagues, Congresswoman MCCARTHY and the Dean of the House, JOHN DINGELL, for their work on this bill and their willingness to take constructive suggestions along the way, to make this an even better bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY) for the purposes of control.

THE SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 4757, a bill that would close a loophole in the national instant background check system for gun purchases. As an original cosponsor of this bill, I am pleased to join my good friends, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Michigan (Mr. DINGELL), in supporting this important legislation. I want to take this opportunity also to thank the House leadership, the Speaker and the majority whip, and also the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor at this time. I am very appreciative.

Also, I want to point out the fact that Americans for Gun Safety, the Brady Campaign, and many other organizations have worked for its passage and applaud this time on the House floor.

This bill is long overdue. In 1993, Congress passed the Brady Act, which I strongly supported. The Brady Act gives the FBI 4 years to create a national instant background check system for purchasing a firearm. But unfortunately, 8 years after the passage of the Brady Act, the national background check system is still not instant or up to date, as on average, only 58 percent of the felony background

check records have been computerized. This means felons, domestic abusers, and mentally infirm have been able to walk into a gun store and buy a firearm because of incomplete government records. In fact, nationwide because of poor record keeping by the government, 10,000 convicted felons and other prohibited buyers have been able to purchase guns.

In my home State of Maryland, 283 illegal buyers were able to buy guns because of incomplete background check records over a 30-month period. Overall, Maryland has the 15th worst record in the Nation of illegal buyers obtaining guns due to faulty records. Moreover, Maryland does not check the records of individuals with a history of severe mental illness when doing a background check.

This is incredible; but it is not unusual, as 33 States do not bother to do a mental illness background check. And it gets even worse. In 15 States, those convicted of a domestic violence misdemeanor can slip through a background check, because those States do not supply any of those records to the FBI. This bill will fix those gaping holes.

In my district, there is a sniper on the loose. He is killing people indiscriminately and shows no regard for human life. Nine innocent victims have died, and two people are critically injured. We do not know how he got the gun, if it was stolen, purchased at a gun show or a gun dealer. We do not know if a background check system with fully automated records would have stopped him, but we do know that 10,000 illegal buyers got a gun because of faulty records. This utterly depraved perpetrator may be number 10,001.

Mr. Speaker, this bill closes a loophole of a bill already on the books, the Brady Act, and increases public safety at a time when it is desperately need. I urge its passage by the House.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4757, Our Lady of Peace Act, and the assistance it offers States for automating their criminal history records. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for working with me from the beginning and giving suggestions on how to make this a better bill.

I also thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, for working with me in helping pass this bipartisan bill through the Committee on the Judiciary.

I also thank the gentleman from Michigan (Mr. DINGELL) for all his hard work throughout this process. He and I actually started talking about this kind of legislation quite a long time ago, and I am glad to see that it is on the floor today.

It is not every day that the gentleman from Michigan (Mr. DINGELL) and I are on the same side of a gun de-

bate, but we believe that this legislation helps close a loophole in our law that allows disqualified individuals to obtain a firearm.

In March of this year, a priest and a parishioner in my district at the Lady of Peace Church were fatally shot during mass by a disturbed gunman with a history of mental health problems and a restraining order issued by his mother. However, he was able to purchase a firearm 2 days before the attack because most States do not provide mental health and other disqualifying records to the FBI NICS database. The 1968 Gun Control Act bars nine categories of individuals, including those who are deemed mentally ill, from having a firearm. However, when a Federal background check is performed, only Federal databases are addressed. That means that the Federal background check is only as good as the records in it; and since many of these records are kept by the States and rarely provided to the FBI, the Federal background check may never spot the disqualifying factor, therefore allowing the purchase to proceed.

Right now, 35 million records of people who are prohibited by law from owning a firearm are missing from the various databases that make up the NICS system. That means it is nearly impossible to stop those under a restraining order, the severely mentally ill, and illegal aliens from passing a background check and obtaining a firearm.

The Our Lady of Peace Act seeks to enforce the 1968 Gun Control Act by providing States an incentive to automatic and shared disqualifying records with the FBI. In addition, it authorize grants to help States automate and improve criminal history records, mental health records, restraining orders and records of domestic violence misdemeanors.

It also requires Federal agencies, like the INS, to provide the FBI with records of individuals disqualified from purchasing a firearm. This legislation helps make the instant background check system truly the instant system we are looking for.

Whether a gun owner or not, this legislation will appeal to everyone who believes we should enforce our current gun laws and keep firearms out of the wrong hands. What I will say is what we have been seeing, especially in the last week or so in the vicinity of our area, we should be doing more to enforce the laws on the books. That is something I have been trying to do since elected to Congress. It has been my privilege and my honor to work with all Members bipartisanly to get this done. I think it is important, and I hope that we can all work together in the future to do more because there is more to be done. The bottom line is as long as we keep guns out of the hands of those that should not have them, we will be saving lives; and that is what we are all here about. That is what we all care about. I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I add my congratulations to the author of this bill for the gentlewoman's efforts here and in the national media to make a case for keeping firearms out of the hands of criminals.

I would also add my congratulations to the gentleman from Wisconsin (Mr. SENSENBRENNER) for his excellent work on this bill and to the gentlewoman from Maryland (Mrs. MORELLA) for seeing to it that we, at such a time as this, deal with this critical legislation. And lastly, I add my congratulations to the gentleman from Michigan (Mr. DINGELL) for his efforts in advancing sensible laws having to do with gunownership while preserving the second amendment rights of every law-abiding American to keep and bear arms.

Mr. Speaker, I have said before on this floor, I believe the House of Representatives is the heart of the American government and in many ways should resonate with the hearts of the American people. The truth is we rise today not in a vacuum, as others have said before. The truth is that the hearts of the American people today are troubled, shots fired as recently as last night here in the vicinity of our Nation's Capitol, felling innocent women, men, and even children, in barbaric acts of terror. Whatever the motivation from wherever comes the source, these are acts of terror here in suburban Washington, D.C.

Mr. Speaker, my own family endured a brush with this violence when we learned last night of the attack on the Home Depot in Falls Church, Virginia. My wife informed me that it was there she had taken our 9-year-old daughter on Sunday night to purchase their fall mums and bring them home, happily reporting to me that she had parked safely in a covered garage at that Home Depot; and I can only stand with an unusual amount of identification and grieve with the family of she who was lost last night, and think there, but for the grace of God, goes my family.

The perpetrators seem to act with impunity. They defy civilized behavior and so far have defied the finest local, State, and Federal law enforcement in the world. They seem to say tauntingly, there is nothing you can do. How wrong they are. How wrong they are.

Today, because of the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MCCARTHY), we rise in this institution to do something. We rise today to bring forth in Our Lady of Peace Act legislation which will provide States with the tools to comply with the 1968 Gun Control Act by pro-

viding additional funds to automate and share criminal mental health and domestic violence restraining order records with the FBI's NICS database.

This legislation, since its conception, was always designed to provide that instant background check, just like we are used to at the gasoline station pump, to know immediately who has a background that is consistent with the ownership of firearms and who does not. Under this legislation, all Federal agencies would transmit relevant records relating to persons disqualified from acquiring a firearm to the Attorney General for inclusion in the NICS database. To comply with the grants under this legislation, States also would provide more thorough and updated information, and there is a grant program to assist State courts to assess and improve the handling of proceedings related to criminal history.

Mr. Speaker, there is something we can do. As Americans and as family people, we can pray for justice in this case; and we can support our law enforcement as they seek to leave no stone unturned. Lastly, we can pass this critical and important legislation that will speed resources to the NICS database and make sure that those who possess firearms in America are only law-abiding Americans.

□ 1545

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York for yielding me this time, and I commend her for her leadership and effort in this matter. It has been a privilege and a pleasure for me to work with her as a cosponsor of this legislation.

I want to note that this legislation is supported in a bipartisan fashion. On both sides, Members support this. The leadership on both sides of the aisle supports this legislation. And the leadership on both ends of the Capitol supports this legislation. It is supported by the NRA and by gun control groups. I want to commend my good friend, the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and also the ranking minority member, the gentleman from Michigan (Mr. CONYERS) for their leadership and their support of this legislation.

I would note that the legislation is really very simple. It first of all protects the second amendment rights of the people of this country, and that was one of the criteria and tests that my good friends at the NRA, of which I am a very happy and proud member, provided our support for the undertaking. It is legislation, then, which protects the basic rights of the American people to own and use firearms for

legitimate and responsible hunting, fishing, conservation and defense purposes.

I would note that it is legislation which requires the Federal Government and provides incentives to the States to make the record-keeping system, upon which the instant check is entirely dependent, work and to see so that it does speedily.

The practical result of this legislation will be two things: one, to keep guns out of the hands of criminals; and, two, to see to it that law-abiding citizens are better able to purchase firearms in a legitimate and proper fashion without delays occasioned by the failure of the States and the Federal Government to keep proper records.

As mentioned by my distinguished friend, the chairman of the committee, there is a long and complete list of disabilities by Federal and State statutes which preclude ownership of persons of firearms. Those include mental disabilities, they include also criminal misbehavior, of family abuse and things of that kind, as well as being a fugitive from justice, a convicted felon or an illegal immigrant. Those are matters which our policy of the United States and the Congress says that people may not then own firearms. This is a way that we use to strain so that firearms may not get through the net into the hands of illegal owners and persons who are precluded by law from owning them.

This will be a significant benefit to law enforcement. It also will be a protection to innocent citizens. It will, in like fashion, be a protection of the basic rights of the American people. More needs to be done, but it has to be done in a fashion which is consistent with protection of the basic second amendment rights of the American people.

I am proud that the distinguished gentlewoman from New York and I were able to work together to achieve something which could achieve the kind of broad support that H.R. 4757 has. It provides other protections, also, and I would note that it precludes the possibility of taxes being imposed upon law-abiding gun owners for the purposes of owning firearms and achieving that ownership through the instant check.

It is a good piece of legislation. I urge my colleagues to support it. I note that it has no opposition of which I am aware, and it is legislation which will enable Americans to feel better about their safety and about, at the same time, the protection of their firearms ownership rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the Committee on the Judiciary for bringing this forward and also the gentlewoman from Maryland for her hard

work on this subject; also the gentlewoman from New York and the gentleman from Michigan for their hard work on fashioning legislation here that protects the second amendment rights of all Americans, but also ensures that criminals cannot more easily get their hands on guns. And also, as the gentleman from Michigan mentioned, that law-abiding citizens are not denied or delayed their right simply because State officials have not the resources or the inclination to move ahead on this.

I am proud to support this legislation. I urge support of it.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

As you can hear from the debate and a lot of people that might even be watching this debate, back and forth, even though we all support this legislation, it is strange to hear that the NRA and certainly all of our gun groups have worked together. I think that is the important key that we are talking about. We worked very hard to make sure that the privacy of citizens would also be protected.

Again, people have to understand that we are not picking on one particular group. Anyone that is denied access to getting permission for a gun only comes up as denied, so we do not go pinpointing, especially on mental illness or other things. They are just plainly denied. I think that is an important part because I think people out there are misunderstanding, and they actually thought we were targeting people with mental illness. We are not. We just want to make sure that people that should not own guns do not get their guns and people that should be able to have guns have the right to own guns. We will continue to work together on this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I too would like to add my thanks to the gentlewoman from New York and the gentlewoman from Maryland for putting together this bill. I have been in the Congress for 24 years. This is the first bill on the subject of firearms that I can remember that is supported by both the NRA and most of the major gun control groups. That means we ought to seize this moment and pass this bill right away before this coalition unravels. I urge the Members to do that.

Mr. GEKAS. Mr. Speaker, I support the passage of H.R. 4757, considered today by the House of Representatives on the Suspension Calendar.

H.R. 4757, the Our Lady of Peace Act, would amend the Brady Handgun Violence Prevention Act to require the Attorney General to secure directly from any U.S. department or agency information on persons who are prohibited by federal or state law from having a firearm, such as a convicted felon criminal or

mental incompetent. In effect, to make the record collection system work more efficiently than it currently does. The measure provides more money to the States to make their information available to the federal government, making the partnership of the two governmental systems a better working arrangement.

Specifically, H.R. 4757 requires the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and temporary restraining orders as they relate to disqualification from firearms ownership under State and Federal laws. And the measure requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of the System and to report on grants and on best practices of States.

As a member of the House Judiciary Committee in 1993 (and currently), I was the chief proponent of the National Instant Check System. And so I view passage of this measure as a positive step towards both preventing prohibited persons from acquiring firearms and protecting the rights of law-abiding gun owners.

A key provision added to this legislation is the prohibition of the federal government imposing a "gun tax," by charging fees for gun purchases through NICS. This is an important provision the National Rifle Association worked to secure. The NRA has been working for nearly a decade to improve NICS so that it works the way Congress intended it—instantly, without any delay or waiting period for gun purchases by law-abiding buyers.

The Second Amendment of the U.S. Constitution reads, "the right of the people to keep and bear arms, shall not be infringed." I firmly believe that the plain language of the Amendment guarantees the right of citizens to keep and bear arms and pledges to protect this right from being infringed upon. Instead of more gun control laws we must forcefully execute the laws that are already in place, while leaving law-abiding citizens alone.

As the chief proponent of the National Instant Check System as a substitute for "waiting periods," I know that the mandate of the NICS was to provide an instant screening of criminal history records in concert with the purchase of a firearm from federally licensed dealers. In this day of instant communications and nearly instant everything, it may not seem like such a feat. But ten years ago, even with the massive use of instant credit card transactions, the concept of using an instant check system for a firearm purchase was novel and somewhat groundbreaking. But in the decade since the mandate of the NICS, the system has needed many improvements. I have gladly welcomed each improvement, such as this measure, as another step toward the instant check system that will both protect and defend citizens and legal gun owners alike.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4757, bipartisan legislation which promises to greatly improve the Instant Check by encouraging states to automate and share disqualifying records with the FBI's National Instant Criminal Background System, NICS, database.

H.R. 4757 is a model of sensible, common-sense public safety legislation. It represents what we can achieve when we leave the rhet-

oric behind and concentrate on how to best keep guns out of the hands of criminals.

Mr. Speaker, H.R. 4757 manages to be both pro-gun owner and pro-law enforcement—stopping criminals in their tracks while permitting law-abiding citizens to be approved for purchases in minutes, not days or weeks. And it does so by focusing on enforcement of existing laws, on strengthening them.

Mr. Speaker, instant background checks serve little purpose if they are based on incomplete or inaccurate criminal history records. Today, we strive for accuracy, for completeness. H.R. 4757 goes a long way toward making the NICS system work the way we intended it to work, and I urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4757, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ARMED FORCES DOMESTIC SECURITY ACT

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5590) to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

The Clerk read as follows:

H.R. 5590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Domestic Security Act".

#### SEC. 2. FORCE AND EFFECT OF PROTECTIVE ORDERS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561 the following new section:

##### "§ 1561a. Civilian orders of protection: force and effect on military installations

"(a) FORCE AND EFFECT.—A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

"(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term 'civilian order of protection' has the meaning given the term 'protection order' in section 2266(5) of title 18.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561 the following new item:

"1561a. Civilian orders of protection: force and effect on military installations."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

First let me thank the gentlewoman from California (Mrs. TAUSCHER) for her presence, her leadership, her good humor and tremendous contribution to a very, very serious issue that a group of us from Congress traveled to Fayetteville to try and help provide some solutions.

Mr. Speaker, domestic violence is currently one of the greatest ills in our society. In both the civilian and military sphere, spousal abuse remains one of the most underreported and difficult crimes to detect and prosecute. Often victims are at a loss as to where to seek help, refuge and comfort.

Unfortunately, this past summer at Fort Bragg in my district in North Carolina, there were several homicides that resulted from domestic violence. Four military wives tragically lost their lives, Mr. Speaker. One case of domestic violence is one too many.

In order to address this grave problem and help stop domestic violence in all sectors of our society, four members of the House Committee on Armed Services and I recently spent the day at Fort Bragg and Fayetteville, North Carolina, in order to hear from many different individuals regarding this tragic problem. We met with military leaders, chaplains, civilian law enforcement, health care providers, advocacy organizations and women's groups, to name a few. We also met with victims.

One of the most salient things we heard during this session with survivors of domestic abuse is that safety is hard to come by. Finding resources to help one out of a desperate situation is an arduous challenge, and often victims feel trapped. For those who are able to come forward and take action, enforcement mechanisms within our legal system often remain inadequate.

We heard from local officials, notably Judge Beth Keever of Fayetteville, North Carolina, that presently there is a legal loophole that does not require protective orders issued by civilian courts to be enforced on military facilities. This means the victim could be without necessary, extra physical protection while on Federal property.

Mr. Speaker, today we help make sure that we provide safety and resources to victims of domestic vio-

lence. This legislation takes a step forward, moving our society in the direction to help stop domestic violence. Making protective orders enforceable on military installations will protect both civilian and military individuals on Federal property. They will know that no matter where they are, Fort Bragg, Fayetteville, the supermarket or the PX, the individual from whom the victim is protected will not be allowed to come near.

The recent murders at Fort Bragg are truly a tragedy. Domestic violence is wrong, and we must do everything we can to prevent it. This important legislation represents a small, initial step to address this problem. It is important that we close this loophole. This act was inspired by the courageous stories of former domestic violence victims, insight from those who have experience in the area, and others. Passage of this bill will appropriately honor the courage of these individuals and the dedicated work of their advocates.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 5590, the Armed Forces Domestic Security Act, and take a step forward in protecting the lives of individuals, both on and off military property.

Mr. Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this summer in the aftermath of news reports of murders in Fort Bragg, I wrote to the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), requesting the opportunity for us to start to understand exactly what impact domestic violence and other issues were having on our military families. The gentleman from New York (Mr. McHUGH), chairman of the Subcommittee on Military Personnel, who is a great leader, and others traveled with me to Fort Bragg this past few weeks on a fact-finding mission which I hope will begin what I think will be very important work of our subcommittee of the Committee on Armed Services.

In this time of asymmetrical warfare, this time of great uncertainty for military families and, frankly, for reservists around the country, where we have a war on terrorism where we have extreme PERSTEMPO and extreme OPSTEMPO, where families are double deployed around the world, it is important for us to understand what the trauma of this deployment means to military families, and I think it is very important for us to understand that the American people are not only supporting our military with the best training and the best leadership and the best materiel that we can possibly have, but we are also supporting the most important component of military families, the families themselves, by making sure that we have the kinds of programs that are found in the private

sector. They are called employee-assisted programs.

□ 1600

And they do everything from helping families find child care, to helping to find elder care, to find hospices when they have a sick family member, but also in the area that is very troubling, of domestic violence, to find a way to make sure that families are protected with anonymity and respect, to make sure that spouses of families do not have to worry about the chain of command when they are considering what they do about family violence in their own family.

So I thought it was very, very important that we took this trip to Fort Bragg. Fort Bragg was just a part of the problem. It is not about Fort Bragg or the Army. It is about the military. And I am very proud of the leadership that the gentleman from New York (Mr. McHUGH) has shown, and I am very proud of my friendship with the gentleman from North Carolina (Mr. HAYES), the gentleman from North Carolina (Mr. McINTYRE), and the gentleman from Florida (Mr. JEFF MILLER) who took this trip, because I think that it is important that we focus on what we can do for these military families. And that is why I rise in strong support of the Armed Forces Domestic Security Act H.R. 5590.

While the 1994 Violence Against Women Act requires certain protection orders to be enforced across State and tribal lines, it does not allow such protection orders to be enforced on Federal property or military installations. As a result, there is a gaping hole in our protection system. Military installations have become a place where there are no penalties for violating a protection order issued by a State or tribal court. The Armed Forces Domestic Security Act is intended to address this obvious oversight.

When a civilian order of protection is issued against, or to protect, a service member, there needs to be a system in place to enforce that order when the service member resides on a military installation. That system must be effective whether the order is issued by the State, tribe, or territory where the service member resides. It also must work in instances where the military installation lies in overlapping civilian jurisdictions.

Mr. Speaker, domestic violence is a complex and tragic issue, and this bill is not intended to be a cure-all or any kind of instant-fix measure for domestic violence; however, while there is no single solution to this problem, closing this loophole that has essentially made military installations a free zone for batterers is a necessary and common-sense step. A judge in North Carolina recently wrote that closing this loophole would certainly be beneficial nationwide but would be particularly helpful for judicial districts that are closely associated with a Federal facility like Cumberland County in North Carolina is with Fort Bragg.



Mr. Speaker, it would be irresponsible to allow a loophole like this to continue. I urge my colleagues to support the Armed Forces Domestic Security Act.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, let me thank the gentlewoman from California (Mrs. TAUSCHER) for her leadership and her wisdom and her input.

Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. MCHUGH), the distinguished chairman of the Subcommittee on Military Personnel. He made the trip possible, and his input and leadership were instrumental in getting us to this point; and he will take us further with the passage of time.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding me this time. I particularly thank him for his leadership and deep sense of concern on this issue.

Mr. Speaker, it seems to me that the key question we should ask ourselves as Members of this House anytime we rise to ponder the proposal of legislation is simply, Is this bill needed? By now, as we have heard in the comments, far too many of us unfortunately have become personally acquainted with the tragic events surrounding the acts of domestic violence that occurred at Fort Bragg over this past summer. In a matter of days four military wives lost their lives and in a matter of days eight children lost a parent. Four of those children actually lost both parents. It is truly a tragic, tragic loss, one that certainly touched not only the Fort Bragg and Fayetteville communities but Army and military communities wherever they may be found.

In response, again as we have heard, Mr. Speaker, on September 30 the Subcommittee on Military Personnel of the Committee on Armed Services traveled with five of its members to try to learn a bit more firsthand about this tragic series of events. I want to pay particular respect and thanks and appreciation to the gentleman from North Carolina (Mr. HAYES) who, along with the gentleman from North Carolina (Mr. MCINTYRE) who also joined us that day, represent the Cumberland County, Fort Bragg, and Fayetteville community; the gentlewoman from California (Mrs. TAUSCHER), who has been a very early and very staunch proponent of addressing the demands of domestic violence in the military, who spoke so eloquently on this measure just moments ago; and also the gentleman from Florida (Mr. JEFF MILLER), who traveled with us that day, giving up their personal time for this extracurricular event that all of them collectively felt was so demanding and so deserving of our attention.

Simply put, today's military is a much different structure than it was even a few years ago. Particularly as a result of the volunteer force, we now have generally a much younger mili-

tary, in this case of course a much younger Army, many more families than perhaps we have seen in the past. And when coupled with the fact that across military installations of all the services, some 70 percent of those families routinely live off base, we have found ourselves with a very, very difficult situation, that of addressing the concerns and demands of acts of domestic violence across the border of that specific military installation and the adjoining civilian community.

The Members have heard about the loophole. I happen to have been here in 1994 when I think the Congress took a very necessary, very bold, and a very appropriate step in passage of the Violence Against Women Act; but it did, as the speaker heard, create I think an unintentional, certainly a very unnecessary and very unworthy loophole, that of enforcement of civilian protection orders as issued outside the bases and their applicability on those military installations. And in our discussions with the victims, particularly of military violence, a very emotional, nearly 3-hour meeting that we held with previous victims in the Fort Bragg community, one of the primary concerns we heard about was that lack of continuity, that lack of guidance and clear legal authority to enforce domestic protection orders that were secured within the civilian community on the military base. And this legislation is intended to be, I might add, a first step, a first step towards erasing those boundaries and those barriers that exist.

The gentlewoman from California (Mrs. TAUSCHER), I think, very appropriately noted that this is not just a Fort Bragg problem, it is not just an Army problem. She noted it is a military problem. I would respectfully suggest, as she knows, and I am not correcting her by any means, that this is a societal problem; and when we have a circumstance as we do here where the societal approaches, the civilian approaches, to domestic violence are not coordinated adequately enough with the military community, people suffer; and as happened at Fort Bragg this past summer, people lose their lives.

So we are intending to continue forward with this effort to initiate a series of legislative remedies to ensure that these kinds of circumstances are not allowed to go forward into the future, but for now I think this is a very, very appropriate step, a very, very important initial step toward protecting those who sadly are least in a position to protect themselves.

So a final word of thanks to the gentlewoman from California (Mrs. TAUSCHER) for her leadership; to the gentleman from North Carolina (Mr. HAYES) and his deep, deep concern and for his initiative on bringing this measure to the floor at this moment; and to the gentleman from Florida (Mr. JEFF MILLER); and the gentleman from North Carolina (Mr. MCINTYRE) for joining us that day and to I hope all of

the Members of this House for their vote in support of this very, very worthy piece of legislation.

Mrs. TAUSCHER. Mr. Speaker, I yield myself as much time as I may consume.

I really appreciate the comments of my colleagues on the other side of the aisle. I want to thank again the gentleman from North Carolina (Mr. HAYES) for his leadership and for opening his community to us. I specifically want to take a moment of personal privilege to thank the gentleman from New York (Mr. MCHUGH) for setting up this first meeting and encouraging us to work together on future meetings.

When we were in Fayetteville, we had a jam-packed day, a day that was meant to be a day at home with our constituents. We had all traveled in late Sunday night, and we were going to be literally hitting the ground running; and what I was most impressed with was we found ourselves with the opportunity to talk to victims of domestic violence, and there were meant to be five or six women that were meant to come, and in fact eight showed up, and each one of them I thought deserved the respect to have themselves heard.

I really appreciate my colleagues, the gentleman from New York (Mr. MCHUGH) and the gentleman from North Carolina (Mr. HAYES), facilitating that. It took 3 hours for us to sit there. Very painful stories, very emotional stories, very, very private stories; and I was I think honored not only to hear those stories and to understand what we could do as legislators on the Federal level to help support these spouses and their families, but I was very proud to sit with the gentleman from New York (Mr. MCHUGH) especially since a lot of those women felt, I think, that they did not want to tell that story to strangers or to perhaps a man that they did not know.

But I think it really speaks a lot for his leadership on the committee and what we can do in the future because I think that they were very thrilled to talk to him and to me to make sure these stories are out so that this does not happen again. I think we all agree this is a societal problem. But the military in this country has led the country in many different ways, specifically in an area of civil rights. It was the military that led the ability for blacks and whites to work together in the military. And I am hoping on this issue of domestic violence, where we have so many families at risk in this country day to day, that our military families can lead, that we can find good programming for them across the military, not just one branch, that we can find the best practices, that we can work together to make sure that it is not only authorized but appropriated and that we can do the best for them because we know that they are trying to do the best for us every day.

And with that I urge my colleagues to support the Armed Forces Domestic Security Act.

Madam Speaker, I yield back the balance of my time.

Mr. HAYES. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McHUGH) who also, if I might add, celebrated his birthday in Fayetteville last Sunday night. So we appreciate his sacrifice in that regard too.

Mr. McHUGH. Madam Speaker, I thank the gentleman for yielding and pointing out to the Nation that I am older. I appreciate that.

I just wanted to very briefly say, first of all, I deeply from the bottom of my heart thank the gentlewoman from California (Mrs. TAUSCHER) for her gracious comments and to state for the record two things: first of all, this Nation should know that she intended to go to Fort Bragg on her own if that was necessary. Fortunately for us who gained from her participation, we were able to put together a subcommittee visit; but her concern is unequalled, certainly unsurpassed with respect to the cherished feeling she has towards the military and, in this instance, towards those who are the victims of violence.

I should also note, as she did, that we had more spouses show up that day than had been scheduled. It was a very tight schedule. It began at 6:30 in the morning with the first event that some of us were scheduled to do and went through until we left that early evening. She was very insistent and very appropriately so that we stay and listen to all of those spouses who again as she had noted had made the very painful decision to come and to share with us their stories that were so emotional. I have rarely, in my much older life including that recent birthday, spent a more moving, more emotional 3 hours. And thanks to her, we were able to hear all of them. So I just wanted to rise again and to underscore my deep admiration for her and to underscore as well the fact that military families have a real hero in the gentlewoman from California (Mrs. TAUSCHER).

Mr. HAYES. Madam Speaker, I yield myself 1 minute for closing remarks.

Let me again thank the gentlewoman from California (Mrs. TAUSCHER) for her very well put, meaningful words; and I identify myself with her remarks. I would too like to take a brief moment to identify with and to thank personally the gentleman from North Carolina (Mr. McINTYRE), my geographic Congress mate in the seventh, and myself in the eighth, for his participation and his consistent and constant service on behalf of our military in our State of North Carolina.

□ 1615

The moving testimony of these women, I cannot begin to tell my col-

leagues how heartwarming, but also how moving this testimony was. As I recall, one lady came on her own expense all the way from Kansas City. And in particular, one lady, Laura Sandler, I would like to pay particular tribute and thanks to her, whose written testimony I think burned a real moving, heartfelt impression on all of our hearts as she had the courage, along with her other colleagues, to come forward and bring us into a much clearer understanding of this problem.

Again, thanks to the gentleman from New York (Mr. McHUGH) and all of those involved, and I would strongly encourage unanimous support of this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 5590.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### —

#### HOURLY OF MEETING ON TOMORROW

Mr. HAYES. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### —

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will alert Members to the possible resumption of legislative business later today, but any record votes, if ordered, would be taken tomorrow. The entertaining of Special Order speeches would be without prejudice to the possibility of further legislative business.

#### —

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### —

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1857

#### —

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 6 o'clock and 57 minutes p.m.

#### —

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 123, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-755) on the resolution (H. Res. 585) providing for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### —

#### REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-756) on the resolution (H. Res. 586) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### —

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2002, pursuant to Public Law 95-384 are as follows:

October 15, 2002

## CONGRESSIONAL RECORD—HOUSE

H7921

## AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Michael Oxley .....	3/23	3/26	England .....	.....	.....	.....	.....	.....	4,769.38	.....	4,769.38
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	4,769.38	.....	4,769.38

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, Oct. 3, 2002.

## AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kevin Long .....	4/20	4/21	Japan .....	.....	872.00	.....	7,129.28	.....	.....	.....	.....
Sharon Pinkerton .....	4/19	4/21	Japan .....	.....	1,308.00	.....	6,783.78	.....	.....	.....	.....
Nicholas Coleman .....	4/19	4/21	Japan .....	.....	1,308.00	.....	7,129.28	.....	.....	.....	.....
Julian Haywood .....	4/19	4/21	Japan .....	.....	1,308.00	.....	7,355.78	.....	.....	.....	.....
Christopher Donesa .....	4/19	4/21	Japan .....	.....	1,308.00	.....	7,129.28	.....	.....	.....	.....
Brian Cohen .....	5/15	5/17	England .....	.....	722.00	.....	647.22	.....	1,027.59	.....	.....
J. Vincent Chase .....	5/26	5/30	Russia .....	.....	1,470.00	.....	.....	.....	.....	.....	.....
.....	5/30	5/31	Germany .....	.....	234.00	.....	.....	.....	.....	.....	.....
Christopher Shays .....	5/26	5/30	Russia .....	.....	1,470.00	.....	.....	.....	.....	.....	.....
.....	5/30	5/31	Germany .....	.....	234.00	.....	.....	.....	.....	.....	.....
Christopher Donesa .....	5/29	6/1	Canada .....	.....	715.00	.....	2,243.24	.....	.....	.....	.....
Roland Foster .....	5/29	6/1	Canada .....	.....	715.00	.....	2,243.24	.....	.....	.....	.....
Nicholas Coleman .....	5/29	6/1	Canada .....	.....	715.00	.....	2,243.24	.....	.....	.....	.....
Mark Souder .....	5/29	5/30	Canada .....	.....	258.00	.....	.....	.....	.....	.....	.....
Stephen Horn .....	5/25	5/27	Russia .....	.....	687.00	.....	.....	.....	.....	.....	.....
.....	5/27	5/28	Uzbekistan .....	.....	333.00	.....	.....	.....	.....	.....	.....
.....	5/28	6/1	China .....	.....	1,104.00	.....	.....	.....	.....	.....	.....
.....	6/1	6/3	South Korea .....	.....	536.00	.....	.....	.....	.....	.....	.....
Christopher Shays .....	6/16	6/20	England .....	.....	1,667.03	.....	6,315.92	.....	.....	.....	.....
Adam Putnam .....	6/16	6/19	England .....	.....	763.60	.....	5,136.33	.....	.....	.....	.....
Bernard Sanders .....	6/16	6/19	England .....	.....	747.46	.....	5,136.33	.....	.....	.....	.....
Kristine McElroy .....	6/16	6/19	England .....	.....	759.38	.....	5,136.33	.....	.....	.....	.....
Larry Halloran .....	6/16	6/20	England .....	.....	1,924.88	.....	5,136.33	.....	.....	.....	.....
Sharon Pinkerton .....	5/26	5/27	France .....	.....	760.24	.....	5,958.57	.....	.....	.....	.....
.....	5/27	5/29	Italy .....	.....	486.00	.....	.....	.....	.....	.....	.....
.....	5/29	5/30	Greece .....	.....	240.43	.....	.....	.....	.....	.....	.....
.....	5/30	5/31	Slovakia .....	.....	180.00	.....	.....	.....	.....	.....	.....
Tom Davis .....	5/26	5/27	Lebanon .....	.....	132.00	.....	.....	.....	.....	.....	.....
Committee total .....	.....	.....	.....	.....	22,957.99	.....	75,724.15	.....	1,027.59	.....	.....

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Oct. 3, 2002.

## AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Christopher Smith .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Steny Hoyer .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Benjamin Cardin .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Alcee Hastings .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Robert B. Aderholt .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Joseph Pitts .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Joseph Hoeffel .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Jan Schakowski .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Thomas Tancredo .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Hon. Jo Ann Davis .....	7/3	7/8	Germany .....	.....	1,520.50	.....	(4)	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	702.82	.....	.....	.....	2,223.32
Ronald McNamara .....	7/5	7/8	Germany .....	.....	889.00	.....	(3)	.....	.....	.....	889.00
Dorothy Taft .....	7/5	7/8	Germany .....	.....	795.00	.....	(3)	.....	.....	.....	795.00
Donald Kursch .....	7/5	7/8	Germany .....	.....	829.00	.....	(3)	.....	.....	.....	829.00
Charwick Gore .....	7/5	7/11	Germany .....	.....	1,635.00	.....	4,692.08	.....	.....	.....	6,327.08
Ben Anderson .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Mariene Kaufman .....	7/5	7/10	Germany .....	.....	1,525.00	.....	(3)	.....	.....	.....	1,525.00
Michael Ochs .....	7/5	7/8	Germany .....	.....	824.00	.....	(3)	.....	.....	.....	824.00
Janice Helwig .....	7/5	7/10	Germany .....	.....	1,340.00	.....	(3)	.....	.....	.....	1,340.00
Marilyn Owen .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
David Killion .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Patrick Prisco .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Kathleen May .....	7/5	7/8	Germany .....	.....	924.00	.....	(3)	.....	.....	.....	924.00
Delegation Expenses .....	.....	.....	.....	.....	.....	.....	.....	.....	23,612.50	.....	23,612.50
Committee total .....	.....	.....	.....	.....	22,293.00	.....	5,394.90	.....	23,612.50	.....	51,300.90

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Military and commercial airfare.

CHRISTOPHER SMITH, Chairman, Sept. 5, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONNA M. CHRISTENSEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Donna M. Christensen .....	7/5	7/9	Spain .....				1,767.70		273.00		
Committee total .....							1,767.00		273.00		

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONNA M. CHRISTENSEN, Chairman, July 30, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PEGGY DEMON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 14, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Peggy Demon .....	8/5	8/8	Turkey .....		804.00						804.00
	8/8	8/12	United Arab Emirates .....		1,112.00						1,112.00
	8/12	8/14	Morocco .....		248.00						248.00
Committee total .....					2,164.00						2,164.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PEGGY DEMON, Sept. 13, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DEREK MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 12, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Derek J. Miller .....	8/6	8/7	South Africa .....		134.00						134.00
	8/7	8/9	Zambia .....		151.00						302.00
	8/9	8/10	Blantyre, Malawi .....		187.00						187.00
	8/10	8/11	Lilongwe, Malawi .....		220.00						220.00
Committee total .....					692.00						843.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DEREK J. MILLER, Aug. 21, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PAULA SCHEIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG. 17, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Paula Scheil .....	8/6	8/11	Lithuania .....		602.00						602.00
	8/11	8/13	Latvia .....		514.00						514.00
	8/13	8/15	Estonia .....		238.00						238.00
	8/15	8/17	Russia .....		617.00						617.00
							6,978.47				6,978.47
Committee total .....					1,971.00		6,978.47				8,949.47

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAULA SCHEIL, Sept. 4, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REV. DANIEL P. COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Father Daniel Coughlin .....	8/13	8/15	Portugal .....		404.00						404.00
	8/15	8/16	France .....		236.00						236.00
	8/16	8/18	Austria .....		494.00						494.00
	8/18	8/20	Slovenia .....		496.00						496.00
	8/20	8/22	Russia .....		688.00						688.00
	8/22	8/23	Scotland .....		356.00		( <sup>3</sup> )				356.00
Committee total .....					2,674.00						2,674.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

REV. DANIEL COUGHLIN, Oct. 3, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ERICH PFUEHLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 22 AND SEPT. 2, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Erich Pfuehler .....	8/23	9/1	South Africa .....	Rand	588.00		4,018.17				4,606.17

October 15, 2002

CONGRESSIONAL RECORD—HOUSE

H7923

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ERICH PFUEHLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 22 AND SEPT. 2, 2002—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Committee total .....					588.00		4,018.17				4,606.17

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ERICH PFUEHLER, Sept. 12, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 3, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. James T. Walsh .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. John J. Duncan .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. Jerry F. Costello .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. Michael R. McNulty .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. Paul E. Kanjorski .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. Alan B. Mollohan .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Hon. Joseph Crowley .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Charles Johnson .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Siobhan Abell .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
John Feehely .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Daniel Gage .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Bryan Gubbins .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
John Mackey .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Shanti Ochs .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
Scott Palmer .....	6/28	6/30	Ireland .....		658.00						658.00
	6/30	7/1	Northern Ireland .....		296.00						296.00
	7/1	7/3	Ireland .....		658.00						658.00
William Tranchese .....	6/28	6/30	Ireland .....		296.00						296.00
	6/30	7/1	Northern Ireland .....		658.00						658.00
	7/1	7/3	Ireland .....		658.00						658.00
Committee total .....					1,612.00						1,612.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES T. WALSH, Chairman, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UZBEKISTAN, OMAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 29 AND JULY 3, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Travel to Uzbekistan, Oman, and Italy, June 29–July 3, 2002:											
Hon. Duncan Hunter .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Bob Etheridge .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Silvestre Reyes .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Bob Schaffer .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Shelley Moore Capito .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Jo Ann Davis .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Hon. Susan Davis .....	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UZBEKISTAN, OMAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 29 AND JULY 3, 2002—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Darrell E. Issa .....	7/2	7/3	Italy .....		243.00						243.00
	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
Peter M. Steffes .....	7/2	7/3	Italy .....		243.00						243.00
	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
Dudley L. Tademy .....	7/2	7/3	Italy .....		243.00						243.00
	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
Mark T. Esper .....	7/2	7/3	Italy .....		243.00						243.00
	6/29	7/1	Uzbekistan .....		666.00						666.00
	7/1	7/2	Oman .....		255.00						255.00
	7/2	7/3	Italy .....		243.00						243.00
Committee total .....					12,804.00						12,804.00

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN L. HUNTER, Chairman, July 9, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, GERMANY, RUSSIA, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Richard A. Gephardt .....	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
Hon. Charles Rangel .....	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
Hon. Edward J. Markey .....	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
Hon. Howard Berman .....	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
Hon. Jane Harman .....	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
Hon. Baron Hill .....	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
Hon. Hilda Solis .....	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
Hon. JoAnn Emerson .....	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
Hon. Barbara Lee .....	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
Steve Elmendorf .....	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
Lloyd Smith .....	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
Moses Mercado .....	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
Brett O'Brien .....	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
Erik Smith .....	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
	7/3	7/5	Germany .....		514.00						514.00
Michael Messmer .....	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
	7/1	7/3	Belgium .....		498.00						498.00
John F. Eisold .....	7/3	7/5	Germany .....		514.00						514.00
	7/5	7/7	Russia .....		688.00						688.00
	7/7	7/9	United Kingdom .....		668.00						668.00
Committee total .....											

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Minority Leader, May 8, 2002.



## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Christopher Smith .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Steny Hoyer .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Benjamin Cardin .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Alcee Hastings .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Robert B. Aderholt .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Joseph Pitts .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Joseph Hoeffel .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Jan Schakowsky .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Thomas Tancredo .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Hon. Jo Ann Davis .....	7/3	7/8	Germany .....		1,520.00		(4)				
							702.82				2,223.32
Ronald McNamara .....	7/5	7/8	Germany .....		889.00		(3)				889.00
Dorothy Taft .....	7/5	7/8	Germany .....		795.00		(3)				795.00
Donald Kursch .....	7/5	7/8	Germany .....		829.00		(3)				829.00
Chadwick Gore .....	7/5	7/11	Germany .....		1,635.00		4,692.08				6,327.08
Ben Anderson .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Marlene Kaufman .....	7/5	7/10	Germany .....		1,525.00		(3)				1,525.00
Michael Ochs .....	7/5	7/8	Germany .....		824.00		(3)				824.00
Janice Helwig .....	7/5	7/10	Germany .....		1,340.00		(3)				924.00
Marilyn Owen .....	7/5	7/8	Germany .....		924.00		(3)				924.00
David Killion .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Patrick Prisco .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Kathleen May .....	7/5	7/8	Germany .....		924.00		(3)				924.00
Delegation Expenses .....									26,800.00		26,800.00
Committee total .....					22,293.50		5,394.90		26,800.00		54,488.40

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Military and commercial airfare.

CHRISTOPHER SMITH, Chairman, Aug. 10, 2002.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 8 AND SEPT. 10, 2002

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. J. Dennis Hastert .....	9/8	9/10	Canada .....		350.00		(3)				
Hon. Charlie Johnson .....	9/8	9/10	Canada .....		350.00		(3)				
Scott Palmer .....	9/8	9/10	Canada .....		350.00		(3)				
Hon. Bill Livingood .....	9/8	9/10	Canada .....		350.00		(3)				
John Feehery .....	9/8	9/10	Canada .....		350.00		(3)				
Chris Walker .....	9/8	9/10	Canada .....		350.00		(3)				
Committee total .....					2,100.00						

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

DENNIS J. HASTERT, Speaker of the House, Sept. 25, 2002.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9639. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570-AA32) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9640. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Opportunity Grants; Definition of "rural and rural area" (RIN: 0570-AA37) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9641. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

9642. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to

those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2002, and as of July 1, 2002; to the Committee on Armed Services.

9643. A letter from the Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian School Equalization Program (RIN: 1076-AE14) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9644. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration and Re-registration Application Fees [DEA-140F] (RIN: 1117-AA34) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program for Minorities and Women Annual Affirmative Employment Program Accomplishments Report for the period of October 1, 2000 to October 1, 2001, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Air Transportation Excise Tax; Amount Paid for the Right to Award Miles (Notice 2002-63) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement Initiative for Section 302/318 Basis-Shifting Transactions (Announcement 2002-97) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9648. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i) (Notice 2002-69) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9649. A letter from the Chairman, United States International Trade Commission, transmitting the eighth annual report entitled "The Impact of the Andean Trade Preference Act," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

**N O T I C E***Incomplete record of House proceedings.**Today's House proceedings will be continued in the next issue of the Record.*